ಕರ್ನಾಟಕ ವಿಧಾನ ಪರಿಷತ್ತು

ಚುಕ್ಕೆ ಗುರುತಿಲ್ಲದ ಪ್ರಶ್ನೆ ಸಂ.	2048
ಮಾನ್ಯ ಸದಸ್ಯರ ಹೆಸರು	ಶ್ರೀ ಸಿ.ಎನ್.ಮಂಜೇಗೌಡ (ಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳ ಕ್ಷೇತ್ರ)
ಉತ್ತರಿಸಬೇಕಾದವರು	ಅಬಕಾರಿ ಸಚಿವರು
ಉತ್ತರಿಸಬೇಕಾದ ದಿನಾಂಕ	17.03.2022

ಕ್ರ ಸಂ.	ಪ್ರಶ್ನೆ	ಉತ್ತರ
ಅ)	2021–22ನೇ ಸಾಲಿನಲ್ಲಿ ಅಬಕಾರಿ ಇಲಾಖೆಗೆ ಸರ್ಕಾರದಿಂದ ನಿಗಧಿಪಡಿಸಿದ ತೆರಿಗೆಯ ಮೊತ್ತವೆಷ್ಟು; ಯಾವ ಯಾವ ಬಾಬ್ತುಗಳಿಗೆ ಈ ತೆರಿಗೆಯನ್ನು ವಿಧಿಸಲಾಗಿತ್ತು; (ಸಂಪೂರ್ಣ ಮಾಹಿತಿ ನೀಡುವುದು)	ಸರ್ಕಾರವು 2021–22ನೇ ಸಾಲಿನ ಆಯವ್ಯಯದಲ್ಲಿ ಅಬಕಾರಿ ಇಲಾಖೆಗೆ ಒಟ್ಟು ರೂ. 24,580 ಕೋಟಿಗಳ ರಾಜಸ್ವ ಸಂಗ್ರಹಣೆಯ ಗುರಿ ನಿಗದಿಪಡಿಸಿದೆ. ಅಬಕಾರಿ ಇಲಾಖೆಯು ಏಪ್ರಿಲ್ 2021 ರಿಂದ ಫೆಬ್ರವರಿ 2022ರ ಅಂತ್ಯಕ್ಕೆ ಎಲ್ಲಾ ಮೂಲಗಳಿಂದ ಒಟ್ಟು ರೂ.23,665.35 ಕೋಟಿಗಳಷ್ಟು ಅಬಕಾರಿ ರಾಜಸ್ವವನ್ನು ಸಂಗ್ರಹಿಸಿದ್ದು, ವಿವರ ಕೆಳಕಂಡಂತಿದೆ.

ಕ್ರಂ. ಸಂ	ಮೂಲ	ಸಂಗ್ರಹಿಸಿದ ಅಬಕಾರಿ ರಾಜಸ್ವ (ರೂ. ಕೋಟಿಗಳಲ್ಲಿ)
1	ಭಾರತೀಯ ತಯಾರಿಕಾ ಮದ್ಯ	20,271.06
2	ಬಿಯರ್	2,640.52
3	ಸನ್ನದು ಶುಲ್ಕ	701.57
4	ಇತರೆ	52.20
ಒಟ್ಟು ಅಬಕಾರಿ ರಾಜಸ್ವ		**23,665.35***

* ಮರು ಹೊಂದಾಣಿಕೆಗೊಳಪಟ್ಟಿರುತ್ತದೆ.

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<tr>
<td>ಆ)</td>
<td>ನಿಗಧಿಪಡಿಸಿದ್ದ ತೆರಿಗೆ ಗುರಿಯಂತೆ ಸಂಗ್ರಹವಾಗಿದೆಯೇ: ಹಾಗಿದ್ದಲ್ಲಿ, ಸಂಗ್ರಹವಾದ ತೆರಿಗೆಯೆಷ್ಟು: (ವಿವರವಾದ ಮಾಹಿತಿಯನ್ನು ಜಿಲ್ಲಾವಾರು ಒದಗಿಸುವುದು)</td>
<td>ಸರ್ಕಾರವು ಅಬಕಾರಿ ಇಲಾಖೆಗೆ 2021-22ನೇ ಸಾಲಿಗೆ ರೂ.24,580 ಕೋಟಿಗಳ ರಾಜಸ್ವ ಸಂಗ್ರಹಣೆ ಗುರಿ ನಿಗದಿಪಡಿಸಿದ್ದು, ಫೆಬ್ರವರಿ 2022ರ ಅಂತ್ಯಕ್ಕೆ ಎಲ್ಲಾ ಮೂಲಗಳಿಂದ ರೂ.23,665.35 ಕೋಟಿಗಳ ಅಬಕಾರಿ ರಾಜಸ್ವ ಸಂಗ್ರಹಿಸಲಾಗಿದ್ದು, ಶೇ.96.28 ರಷ್ಟು ಗುರಿ ಸಾಧಿಸಲಾಗಿದೆ. ಆರ್ಥಿಕ ವರ್ಷದ ಅಂತ್ಯದೊಳಗೆ ನಿಗದಿಪಡಿಸಿರುವ ಗುರಿಯನ್ನು ಸಾಧಿಸುವುದಾಗಿ ನಿರೀಕ್ಷಿಸಲಾಗಿದೆ.

ಜಿಲ್ಲಾವಾರು ಸಂಗ್ರಹವಾದ ಅಬಕಾರಿ ರಾಜಸ್ವದ ವಿವರವನ್ನು ಅನುಬಂಧ-1ರಲ್ಲಿ ಇರಿಸಿದೆ.</td>
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<td>ಇ)</td>
<td>ಅಬಕಾರಿ ಇಲಾಖೆಯಲ್ಲಿ ಹಾಲಿ ಯಾವ ಯಾವ ಪರವಾನಗಿಯ ಸನ್ನದುಗಳಿವೆ, ಇವುಗಳನ್ನು ನೀಡಲು ಅನುಸರಿಸುವ ಮಾನದಂಡಗಳೇನು: (ಪ್ರತಿಯೊಂದು ಪರವಾನಗಿಯ ಬಗ್ಗೆ ಪ್ರತ್ಯೇಕವಾದ ಮಾಹಿತಿಯನ್ನು ನೀಡುವುದು ಮತ್ತು ಸರ್ಕಾರದ ಆದೇಶ/ ಸುತ್ತೋಲೆ/ ಅಧಿಸೂಚನೆಗಳ ಪ್ರತಿ ಒದಗಿಸುವುದು)</td>
<td>ಅಬಕಾರಿ ಇಲಾಖೆಯಿಂದ ನೀಡಲಾಗುವ ವಿವಿಧ ರೀತಿಯ ಅಬಕಾರಿ ಸನ್ನದುಗಳ ವಿವರ ಕೆಳಕಂಡಂತಿದೆ:-
<table>
<tr><th>ಕ್ರ ಸಂ.</th><th>ಸನ್ನದು ವಿಧ</th><th>ಪ್ರಕಾರ</th></tr>
<tr><td>1</td><td>ಸಿಎಲ್- 2</td><td>ಚಿಲ್ಲರೆ ಮದ್ಯ ಮಾರಾಟ ಸನ್ನದು.</td></tr>
<tr><td>2</td><td>ಸಿಎಲ್- 4</td><td>ಕ್ಲಬ್‌ಗಳಿಗೆ ನೀಡುವ ಸನ್ನದು.</td></tr>
<tr><td>3</td><td>ಸಿಎಲ್- 5</td><td>ಅಪರೂಪಕ್ಕೊಮ್ಮೆ ನೀಡುವ ಸನ್ನದು.</td></tr>
<tr><td>4</td><td>ಸಿಎಲ್- 6</td><td>ವಿಶೇಷ ಸನ್ನದು.</td></tr>
<tr><td>5</td><td>ಸಿಎಲ್- 6A</td><td>ತಾರಾ ಹೋಟೆಲ್‌ಗಳಿಗೆ ನೀಡುವ ಸನ್ನದು.</td></tr>
<tr><td>6</td><td>ಸಿಎಲ್- 7</td><td>ಬೋರ್ಡಿಂಗ್ ಮತ್ತು ಲಾಡ್ಜಿಂಗ್‌ಗಳಿಗೆ ನೀಡುವ ಸನ್ನದು.</td></tr>
<tr><td>7</td><td>ಸಿಎಲ್- 7A</td><td>ಪ್ರವಾಸೋದ್ಯಮ ಹೋಟೆಲ್‌ಗಳಿಗೆ ನೀಡುವ ಸನ್ನದು.</td></tr>
<tr><td>8</td><td>ಸಿಎಲ್- 7B</td><td>ಪ್ರವಾಸೋದ್ಯಮ ಹೋಟೆಲ್‌ಗಳಿಗೆ ನೀಡುವ ಬಿಯರ್ ಬಾರ್ ಸನ್ನದು.</td></tr>
<tr><td>9</td><td>ಸಿಎಲ್- 7C</td><td>ಕೇಂದ್ರ ಮತ್ತು ರಾಜ್ಯ ಪ್ರವಾಸೋದ್ಯಮ ಅಭಿವೃದ್ಧಿ ನಿಗಮದಡಿಯ ರೈಲುಗಳಿಗೆ ನೀಡುವ ಸನ್ನದು.</td></tr>
<tr><td>10</td><td>ಸಿಎಲ್- 8</td><td>ಮಿಲಿಟರಿ ಕ್ಯಾಂಟೀನ್ ಸನ್ನದು.</td></tr>
<tr><td>11</td><td>ಸಿಎಲ್- 8A</td><td>ಮಿಲಿಟರಿ ಕ್ಯಾಂಟೀನ್ ಉಗ್ರಾಣಗಳಿಗೆ ನೀಡುವ ಸನ್ನದು.</td></tr>
<tr><td>12</td><td>ಸಿಎಲ್-8B</td><td>ಬಿಎಸ್‌ಎಫ್ ಅಥವಾ ಪ್ಯಾರಾಮಿಲಿಟರಿ ಫೋರ್ಸ್‌ಗಳಿಗೆ ನೀಡುವ ಸನ್ನದು.</td></tr>
<tr><td>13</td><td>ಸಿಎಲ್- 9</td><td>ಬಾರ್ ಮತ್ತು ರೆಸ್ಟೋರೆಂಟ್ ಸನ್ನದು.</td></tr>
<tr><td>14</td><td>ಸಿಎಲ್-10</td><td>ಹರಾಜು ಪ್ರಕ್ರಿಯೆ ಸನ್ನದು.</td></tr>
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15	ಸಿಎಲ್–11	ಡಿಸ್ಟಿಬ್ಯೂಟರ್ ಸನ್ನದು.
16	ಸಿಎಲ್–11B	ವಶಪಡಿಸಿಕೊಂಡಿರುವ ಮದ್ಯ ಮಾರಾಟ ಸನ್ನದು.
17	ಸಿಎಲ್–11C	ಸರ್ಕಾರಿ ಸ್ವಾಮ್ಯದ ಚಿಲ್ಲರೆ ಮದ್ಯ ಮಾರಾಟ ಸನ್ನದು(ಎಂ.ಎಸ್.ಐ.ಎಲ್).
18	ಸಿಎಲ್–12	ಬಾಟಲಿಯಲ್ಲಿ ಸೇಂದಿ ಮಾರಾಟ ಮಾಡುವ ಸನ್ನದು.
19	ಸಿಎಲ್– 13	ಸಾರಾಯಿ ಡಿಪೋ ಸನ್ನದು.
20	ಸಿಎಲ್–16	ಅಂತರರಾಷ್ಟ್ರೀಯ ವಿಮಾನ ನಿಲ್ದಾಣದಲ್ಲಿನ ಡ್ಯೂಟಿಫ್ರಿ ಶಾಪ್‌ಗಳಿಗೆ ನೀಡುವ ಸನ್ನದು.
21	ಸಿಎಲ್–17	ದೇಶಿಯ ವಿಮಾನ ನಿಲ್ದಾಣದ ಪ್ರಯಾಣಿಕರ ರಿಫ್ರೆಶ್‌ಮೆಂಟ್ ರೂಮ್‌ಗಳಿಗೆ ನೀಡುವ ಸನ್ನದು.
22	ಸಿಎಲ್–18	ಅಂತರದೇಶಿಯ ವಿಮಾನ ನಿಲ್ದಾಣದ ಪ್ರಯಾಣಿಕರ ರಿಫ್ರೆಶ್‌ಮೆಂಟ್ ರೂಮ್‌ಗಳಿಗೆ ನೀಡುವ ಸನ್ನದು.

1992ನೇ ಸಾಲಿನಿಂದ ಹೊಸದಾಗಿ ಸಿಎಲ್–2, ಸಿಎಲ್–9 ಸನ್ನದನ್ನು ನೀಡಲು ಸರ್ಕಾರ ನಿರ್ಬಂಧಿಸಿರುವುದರಿಂದ ಅಬಕಾರಿ ಇಲಾಖೆಯಿಂದ ಹೊಸದಾಗಿ ಸಿಎಲ್–2 ಮತ್ತು ಸಿಎಲ್–9 ಸನ್ನದುಗಳ ಮಂಜೂರಾತಿ ನೀಡಲಾಗುತ್ತಿಲ್ಲ.

ಪ್ರಸ್ತುತ ಸಿಎಲ್–4, ಸಿಎಲ್–6ಎ, ಸಿಎಲ್–7, ಸಿಎಲ್–8, ಸಿಎಲ್–7ಎ, ಸಿಎಲ್–11ಸಿ, ಫಾರ್ಮ್ ಸಿಎಲ್–16, ಫಾರ್ಮ್ ಸಿಎಲ್–17 ಮತ್ತು ಫಾರ್ಮ್ ಸಿಎಲ್–18 ಸನ್ನದುಗಳನ್ನು ಕರ್ನಾಟಕ ಅಬಕಾರಿ (ಭಾರತೀಯ ಮತ್ತು ವಿದೇಶಿ ಮದ್ಯಗಳ ಮಾರಾಟ) ನಿಯಮಗಳು, 1968 ರ ನಿಯಮ–3 ಮತ್ತು 5 ರಡಿ ಮಂಜೂರು ಮಾಡಲಾಗುತ್ತಿದೆ. ಸದರಿ ಸನ್ನದುಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಕರ್ನಾಟಕ ಅಬಕಾರಿ (ಭಾರತೀಯ ಮತ್ತು ವಿದೇಶಿ ಮದ್ಯ ಮಾರಾಟ) ನಿಯಮಗಳು 1968 ರ ನಿಯಮ 8, 8(ಎ) ರಲ್ಲಿ ನಿಗಧಿಪಡಿಸಿರುವ ಸನ್ನದು ಶುಲ್ಕ ಮತ್ತು ಹೆಚ್ಚುವರಿ ಸನ್ನದು ಶುಲ್ಕಗಳನ್ನು ಅರ್ಜಿದಾರರಿಂದ ಪಾವತಿಸಿಕೊಂಡು ಅರ್ಜಿ ಪಡೆಯಲಾಗುತ್ತದೆ. ಕರ್ನಾಟಕ ಅಬಕಾರಿ (ಸನ್ನದುಗಳ ಸಾಮಾನ್ಯ ಷರತ್ತುಗಳು) ನಿಯಮಗಳು, 1967ರ ನಿಯಮ–5 ರನ್ವಯ ಉದ್ದೇಶಿತ ಸನ್ನದಿನ 100

		ಮೀಟರ್ ಅಂತರದೊಳಗೆ ಯಾವುದೇ ಶೈಕ್ಷಣಿಕ ಸಂಸ್ಥೆಗಳು, ಧಾರ್ಮಿಕ ಸಂಸ್ಥೆಗಳು, ಆಸ್ಪತ್ರೆಗಳು (30 ಬೆಡ್‌ಗಳನ್ನು ಹೊಂದಿರುವ ಆಸ್ಪತ್ರೆಗಳು) ಪರಿಶಿಷ್ಟ ಜಾತಿ ಅಥವಾ ಪರಿಶಿಷ್ಟ ಪಂಗಡಗಳ ಕಾಲೋನಿಗಳು ಇರುವಂತಿಲ್ಲ. ಯಾವುದೇ ರಾಜ್ಯ ಸರ್ಕಾರದ/ಕೇಂದ್ರ ಸರ್ಕಾರದ ಕಛೇರಿಯಾಗಲೀ ಅಥವಾ ಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳ ಕಛೇರಿಯಾಗಲೀ ಅವುಗಳ ಮುಖ್ಯಸ್ಥರು ಗ್ರೂಪ್ "ಎ" ಅಥವಾ ಗ್ರೂಪ್ "ಬಿ" ಅಧಿಕಾರಿಯಾಗಿದ್ದಲ್ಲಿ ಆ ಕಛೇರಿಯು ಆಕ್ಷೇಪಣಾ ಸ್ಥಳವೆಂದು ಪರಿಗಣಿಸಲ್ಪಡುತ್ತದೆ. ನಿಯಮಗಳ ಪ್ರತಿಯನ್ನು **ಅನುಬಂಧ-2 ಮತ್ತು 3**ರಲ್ಲಿ ಇರಿಸಿದೆ. ಮಾನ್ಯ ಸರ್ವೋಚ್ಛ ನ್ಯಾಯಾಲಯದ ಸಿವಿಲ್ ಅಪೀಲು ಸಂಖ್ಯೆ:12164-12166/2016 ರ ದಿನಾಂಕ:31-03-2017ರಲ್ಲಿ ಆದೇಶಿಸಿದಂತೆ 20,000ಕ್ಕಿಂತ ಹೆಚ್ಚಿನ ಜನಸಂಖ್ಯೆ ಹೊಂದಿರುವ ಗ್ರಾಮ ಪಂಚಾಯಿತಿಯ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ 500 ಮೀಟರ್ (ಸರ್ವೀಸ್ ರಸ್ತೆಯು ಹಾದು ಹೋಗಿದ್ದಲ್ಲಿ ಸರ್ವೀಸ್ ರಸ್ತೆಯ ಅಂಚಿನಿಂದ ಅಥವಾ ರಾಜ್ಯ/ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿಯ ಅಂಚಿನಿಂದ) ಅಂತರದಲ್ಲಿ ಯಾವುದೇ ಸನ್ನದನ್ನು ಮಂಜೂರು ಮಾಡುವಂತಿಲ್ಲ.20,000ಕ್ಕಿಂತ ಕಡಿಮೆ ಜನಸಂಖ್ಯೆ ಹೊಂದಿರುವ ಗ್ರಾಮ ಪಂಚಾಯಿತಿಯ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ 220 ಮೀಟರ್ (ಸರ್ವೀಸ್ ರಸ್ತೆಯು ಹಾದು ಹೋಗಿದ್ದಲ್ಲಿ ಸರ್ವೀಸ್ ರಸ್ತೆಯ ಅಂಚಿನಿಂದ ಅಥವಾ ರಾಜ್ಯ/ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿಯ ಅಂಚಿನಿಂದ) ಅಂತರದಲ್ಲಿ ಯಾವುದೇ ಸನ್ನದನ್ನು ಮಂಜೂರು ಮಾಡುವಂತಿಲ್ಲ. ಮಾನ್ಯ ಸರ್ವೋಚ್ಛ ನ್ಯಾಯಾಲಯದ ಎಸ್.ಎಲ್.ಪಿ (ಸಿವಿಲ್) ಸಂಖ್ಯೆ:10243/2017ರಲ್ಲಿನ ದಿನಾಂಕ:11.07.2017ರ ಆದೇಶದಲ್ಲಿ ನೀಡಿದ ಸ್ಪಷ್ಟೀಕರಣದಂತೆ, ಮಹಾನಗರ ಪಾಲಿಕೆ, ನಗರ ಪಾಲಿಕೆ, ನಗರಸಭೆ, ಪುರಸಭೆ ಮತ್ತು ಪಟ್ಟಣ ಪಂಚಾಯಿತಿ ವ್ಯಾಪ್ತಿಗಳಲ್ಲಿ ಹಾದು ಹೋಗುವ ರಾಜ್ಯ ಮತ್ತು ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿಗಳ ಇಕ್ಕೆಲಗಳಲ್ಲಿರುವ ಸನ್ನದುಗಳನ್ನು ನಿಯಮಾನುಸಾರ ನವೀಕರಿಸಲು ಅವಕಾಶ ಕಲ್ಪಿಸಲಾಗಿರುತ್ತದೆ.

)		ಸರ್ಕಾರದ ಪತ್ರ ಸಂಖ್ಯೆ: ಆಇ 36 ಇಡಬ್ಲ್ಯೂಪಿ 2018, ದಿನಾಂಕ: 06.08.2020ರಲ್ಲಿ 2011ರ ಜನಗಣತಿಯನ್ವಯ 5000 ಅಥವಾ ಅದಕ್ಕಿಂತ ಹೆಚ್ಚು ಜನಸಂಖ್ಯೆಯುಳ್ಳ ಗ್ರಾಮ ಪಂಚಾಯಿತಿ/ಸ್ಥಳೀಯ ಪ್ರದೇಶಗಳ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಹಾದು ಹೋಗುವ ರಾಷ್ಟ್ರೀಯ ಮತ್ತು ರಾಜ್ಯ ಹೆದ್ದಾರಿಗಳ ಇಕ್ಕೆಲಗಳಲ್ಲಿ ಹೊಸದಾಗಿ ಸಿಎಲ್-6ಎ ಮತ್ತು ಸಿಎಲ್-7 ಸನ್ನದುಗಳಿಗೆ ಮಾತ್ರ ಕರ್ನಾಟಕ ಅಬಕಾರಿ (ಸನ್ನದುಗಳ ಸಾಮಾನ್ಯ ಷರತ್ತುಗಳು) ನಿಯಮಗಳು, 1967ರ ನಿಯಮ (5)ರಡಿಯಲ್ಲಿ ರಾಜ್ಯ ಮತ್ತು ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ವಿಧಿಸಿರುವ ನಿಬಂಧನೆಗಳನ್ನು ಹೊರತುಪಡಿಸಿ, ಇತರೆ ಷರತ್ತುಗಳನ್ನು ಪಾಲಿಸುವ ಷರತ್ತಿಗೊಳಪಟ್ಟು ನಿಯಮಾನುಸಾರ ಪ್ರಾರಂಭಿಸಲು ವಿನಾಯಿತಿಯನ್ನು ನೀಡಲಾಗಿದೆ. ಪ್ರತಿಯನ್ನು **ಅನುಬಂಧ-4**ರಲ್ಲಿ ಇರಿಸಿದೆ. ಸರ್ಕಾರದ ಪತ್ರ ಸಂಖ್ಯೆ:ಆಇ 33 ಇಎಫ್ಎಲ್ 2021, ದಿನಾಂಕ:19.01.2022ರಲ್ಲಿ ಸರ್ಕಾರದ ರಾಜಸ್ವ ಹಿತದೃಷ್ಠಿಯಿಂದ ಮತ್ತು ಪ್ರವಾಸೋದ್ಯಮದ ಅಭಿವೃದ್ಧಿಗಾಗಿ ಹೊಸದಾಗಿ ಮಂಜೂರು ಮಾಡುವ ಸಿಎಲ್-7(ಎ) ಸನ್ನದುಗಳಿಗೂ ವಿಸ್ತರಿಸಿ ಅನುಮತಿಯನ್ನು ನೀಡಲಾಗಿದೆ. ಪ್ರತಿಯನ್ನು **ಅನುಬಂಧ-5**ರಲ್ಲಿ ಇರಿಸಿದೆ.
ಈ)	2022-23ನೇ ಸಾಲಿಗೆ ಎಂ.ಎಸ್.ಐ.ಎಲ್ ವತಿಯಿಂದ ಸರ್ಕಾರ ಎಷ್ಟು ಪರವಾನಗೆಗಳನ್ನು ವಿತರಿಸಲಾಗುವುದು; ಈ ಪರವಾನಗಿಯನ್ನು ಪಡೆಯಲು ವಿಧಿಸುವ ಮಾನದಂಡಗಳು ಯಾವುವು; (ವಿವರದೊಂದಿಗೆ ಸರ್ಕಾರದ ಆದೇಶ/ಸುತ್ತೋಲೆ ಪ್ರತಿಗಳನ್ನು ಒದಗಿಸುವುದು)	ಸರ್ಕಾರದ ಪತ್ರ ಸಂಖ್ಯೆ: ಎಫ್ ಡಿ 07 ಇಎಫ್ಎಲ್ 2008 ದಿನಾಂಕ:03.07.2009ರಲ್ಲಿ 463 ಹಾಗೂ ಪತ್ರ ಸಂಖ್ಯೆ: ಎಫ್‌ಡಿ 15 ಇಎಫ್ಎಲ್ 2015 ದಿ:23.09.2016ರಲ್ಲಿ 900 ಹೀಗೆ ಒಟ್ಟಾರೆ 1363 ಸಿಎಲ್ 11-ಸಿ ಸನ್ನದುಗಳನ್ನು ಸರ್ಕಾರಿ ಸ್ವಾಮ್ಯದ ಎಂ.ಎಸ್.ಐ.ಎಲ್ ಸಂಸ್ಥೆಯವರಿಗೆ ಮಂಜೂರು ಮಾಡಲು ಅನುಮತಿ ನೀಡಲಾಗಿರುತ್ತದೆ. ಈ ಎರಡೂ ಕೋಟಾಗಳ ಪೈಕಿ ದಿನಾಂಕ:10-03-2022ರವರೆಗೆ ಒಟ್ಟು 1049 ಸಿಎಲ್-11ಸಿ ಸನ್ನದುಗಳನ್ನು ಮಂಜೂರು ಮಾಡಲು ಪೂರ್ವಾನುಮತಿ ನೀಡಲಾಗಿದ್ದು, ಇನ್ನೂ 314 ಸನ್ನದುಗಳನ್ನು ತೆರೆಯಲು ಬಾಕಿ ಇರುತ್ತದೆ.

		ಹೀಗೆ ಬಾಕಿ ಉಳಿದಿರುವ ಕೋಟಾದಡಿಯಲ್ಲಿ ಎಂ.ಎಸ್.ಐ.ಎಲ್ ಸಂಸ್ಥೆಯವರಿಂದ ಪ್ರಸ್ತಾವನೆ ಸ್ವೀಕೃತವಾದಲ್ಲಿ, ಅವುಗಳನ್ನು ನಿಯಮಾನುಸಾರ ಪರಿಶೀಲಿಸಿ ಸೂಕ್ತ ಕ್ರಮ ಕೈಗೊಳ್ಳಲಾಗುವುದು. ಅದನ್ನು ಹೊರತುಪಡಿಸಿ, 2022-23ನೇ ಸಾಲಿಗೆ ರಾಜ್ಯದಲ್ಲಿ ಎಂ.ಎಸ್.ಐ.ಎಲ್ ವತಿಯಿಂದ ಇಂತಿಷ್ಟೇ ಪರವಾನಗಿಗಳನ್ನು ವಿತರಿಸಲು ಗುರಿ ಹೊಂದಿರುವುದಿಲ್ಲ. ಎಂ.ಎಸ್.ಐ.ಎಲ್ ಮದ್ಯದ ಮಳಿಗೆಗಳನ್ನು ಮಂಜೂರು ಮಾಡಲು ಸರ್ಕಾರ ರೂಪಿಸಿರುವ ಮಾನದಂಡಗಳು ಕೆಳಕಂಡಂತಿವೆ: ಎಂ.ಎಸ್.ಐ.ಎಲ್ ಮಳಿಗೆಗಳನ್ನು ಕರ್ನಾಟಕ ಅಬಕಾರಿ (ಭಾರತೀಯ ಮತ್ತು ವಿದೇಶಿ ಮದ್ಯಗಳ ಮಾರಾಟ) ನಿಯಮಗಳು, 1968 ರ ನಿಯಮ-3(11-ಸಿ), 8, 8(ಎ) ರಲ್ಲಿ ನಿಗದಿಪಡಿಸಿರುವ ಸನ್ನದು ಶುಲ್ಕ ಮತ್ತು ಹೆಚ್ಚುವರಿ ಸನ್ನದು ಶುಲ್ಕ ಹಾಗೂ ಕರ್ನಾಟಕ ಅಬಕಾರಿ (ಸನ್ನದುಗಳ ಸಾಮಾನ್ಯ ಷರತ್ತುಗಳು) ನಿಯಮಗಳು, 1967ರ ನಿಯಮ-5ರನ್ವಯ ಉದ್ದೇಶಿತ ಸನ್ನದಿನ 100 ಮೀಟರ್ ಅಂತರದೊಳಗೆ ಯಾವುದೇ ಶೈಕ್ಷಣಿಕ ಸಂಸ್ಥೆಗಳು, ಧಾರ್ಮಿಕ ಸಂಸ್ಥೆಗಳು, ಆಸ್ಪತ್ರೆಗಳು) ಪರಿಶಿಷ್ಟ ಜಾತಿ ಅಥವಾ ಪರಿಶಿಷ್ಟ ಪಂಗಡಗಳ ಕಾಲೋನಿಗಳು ಇರುವಂತಿಲ್ಲ. ಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳು, ಹಾಗೂ ಪತ್ರಾಂಕಿತ ಅಧಿಕಾರಿಗಳ ಕೇಂದ್ರ / ರಾಜ್ಯ ಸರ್ಕಾರಿ ಕಛೇರಿಗಳು ಇರುವಂತಿಲ್ಲ. ಹಾಗೂ ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯದ ಸಿವಿಲ್ ಅಪೀಲು ಸಂಖ್ಯೆ: 12164-12166/2016ರ ದಿನಾಂಕ: 31-03-2017ರಲ್ಲಿ ಆದೇಶಿಸಿರುವಂತೆ 20,000 ಕ್ಕಿಂತ ಹೆಚ್ಚಿನ ಜನಸಂಖ್ಯೆ ಹೊಂದಿರುವ ಗ್ರಾಮ ಪಂಚಾಯಿತಿಯ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ 500 ಮೀಟರ್ (ಸರ್ವೀಸ್ ರಸ್ತೆಯು ಹಾದು ಹೋಗಿದ್ದಲ್ಲಿ ಸರ್ವೀಸ್ ರಸ್ತೆಯ ಅಂಚಿನಿಂದ ಅಥವಾ ರಾಜ್ಯ / ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿಯ ಅಂಚಿನಿಂದ) ಯಾವುದೇ ಸನ್ನದನ್ನು ಮಂಜೂರು ಮಾಡುವಂತಿಲ್ಲ. 20,000 ಕ್ಕಿಂತ ಕಡಿಮೆ ಜನಸಂಖ್ಯೆ ಹೊಂದಿರುವ ಗ್ರಾಮ ಪಂಚಾಯಿತಿಯ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ 220 ಮೀಟರ್ (ಸರ್ವೀಸ್ ರಸ್ತೆಯು ಹಾದು ಹೋಗಿದ್ದಲ್ಲಿ ಸರ್ವೀಸ್

		ರಸ್ತೆಯ ಅಂಚಿನಿಂದ ಅಥವಾ ರಾಜ್ಯ / ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿಯ ಅಂಚಿನಿಂದ) ಯಾವುದೇ ಸನ್ನದನ್ನು ಮಂಜೂರು ಮಾಡುವಂತಿಲ್ಲ. ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯದ ಎಸ್.ಎಲ್.ಪಿ (ಸಿವಿಲ್) ಸಂಖ್ಯೆ: 10243/2017 ರಲ್ಲಿನ ದಿನಾಂಕ: 11-07-2017 ರ ಆದೇಶದಲ್ಲಿ ನೀಡಿದ ಸ್ಪಷ್ಟೀಕರಣದಂತೆ, ಮಹಾನಗರ ಪಾಲಿಕೆ, ನಗರ ಪಾಲಿಕೆ, ನಗರಸಭೆ, ಪುರಸಭೆ ಮತ್ತು ಪಟ್ಟಣ ಪಂಚಾಯಿತಿ ವ್ಯಾಪ್ತಿಗಳಲ್ಲಿ ಹಾದು ಹೋಗುವ ರಾಜ್ಯ ಮತ್ತು ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿಗಳ ಇಕ್ಕೆಲಗಳಲ್ಲಿರುವ ಸನ್ನದುಗಳನ್ನು ನಿಯಮಾನುಸಾರ ನವೀಕರಿಸಲು ಅವಕಾಶ ಕಲ್ಪಿಸಲಾಗಿರುತ್ತದೆ.

ಆಇ 50 ಇಎಲ್‌ಕ್ಯೂ 2022

(ಕೆ. ಗೋಪಾಲಯ್ಯ)
ಅಬಕಾರಿ ಸಚಿವರು

ಅನುಬಂಧ -1

2021-22 ನೇ ಸಾಲಿನಲ್ಲಿ (ಏಪ್ರಿಲ್ 2021 ರಿಂದ ಫೆಬ್ರುವರಿ 2022 ರ ಅಂತ್ಯಕ್ಕೆ) ಸಂಗ್ರಹವಾಗಿರುವ ಜಿಲ್ಲಾವಾರು ಅಬಕಾರಿ ರಾಜಸ್ವದ ವಿವರ (ರೂ.ಕೋಟಿಗಳಲ್ಲಿ)

ಕ್ರ. ಸಂ	ಜಿಲ್ಲೆಗಳು	2021-22* (ಫೆಬ್ರುವರಿ 2022ರ ಅಂತ್ಯಕ್ಕೆ)
1	ಬೆಂಗಳೂರು ನಗರ ಜಿಲ್ಲೆ	6990.75
2	ಬೆಂಗಳೂರು ಗ್ರಾಮಾಂತರ	4067.21
3	ಚಿಕ್ಕಬಳ್ಳಾಪುರ	11.71
4	ಕೋಲಾರ	283.20
5	ರಾಮನಗರ	619.93
6	ತುಮಕೂರು	490.27
7	ಬಾಗಲಕೋಟೆ	16.85
8	ಬೆಳಗಾವಿ	2261.25
9	ವಿಜಯಪುರ	17.18
10	ಧಾರವಾಡ	1511.57
11	ಹಾವೇರಿ	9.35
12	ಬೀದರ್	8.90
13	ಕಲಬುರಗಿ	1639.16
14	ರಾಯಚೂರು	8.34
15	ಯಾದಗಿರಿ	5.83
16	ಬಳ್ಳಾರಿ	281.35
17	ಚಿತ್ರದುರ್ಗ	10.43
18	ದಾವಣಗೆರೆ	11.00
19	ಗದಗ	7.50
20	ಕೊಪ್ಪಳ	512.89
21	ದಕ್ಷಿಣ ಕನ್ನಡ	324.49
22	ಕೊಡಗು	8.73
23	ಶಿವಮೊಗ್ಗ	15.22
24	ಉಡುಪಿ	240.09
25	ಉತ್ತರ ಕನ್ನಡ	8.39
26	ಚಾಮರಾಜನಗರ	5.30
27	ಚಿಕ್ಕಮಗಳೂರು	10.41
28	ಹಾಸನ	1744.26
29	ಮಂಡ್ಯ	12.62
30	ಮೈಸೂರು	2531.20
ರಾಜ್ಯದ ಒಟ್ಟು		**23665.35**

* ಮರುಹೊಂದಾಣಿಕೆಗೆ ಒಳಪಟ್ಟಿರುತ್ತದೆ.

ವಿ.ಸೂ:- 2016-17ನೇ ಸಾಲಿನಿಂದ ಇಲಾಖೆಯಲ್ಲಿ ಎಲ್ಲಾ ರೀತಿಯ ತೆರಿಗೆಗಳನ್ನು e-payment ವ್ಯವಸ್ಥೆ ಮುಖಾಂತರ ಪಾವತಿಸುತ್ತಿದ್ದು, ರಾಜ್ಯದ ಎಲ್ಲಾ ಜಿಲ್ಲೆಗಳ ಅಬಕಾರಿ ಪಾವತಿಗಳು ಬೆಂಗಳೂರು ನಗರ ಜಿಲ್ಲೆಯ ಖಜಾನೆಯು Cyber Treasury ಯಾಗಿರುವುದರಿಂದ, ರಾಜ್ಯದಲ್ಲಿ ಎಲ್ಲೇ ಪಾವತಿ ಮಾಡಿದರೂ ಬೆಂಗಳೂರು Cyber Treasury ನಲ್ಲಿ ಜಮೆಯಾಗಿರುತ್ತದೆ. ಆದಾಗ್ಯೂ ಜಿಲ್ಲಾ ಅಬಕಾರಿ ಉಪ ಆಯುಕ್ತರುಗಳ ಕಛೇರಿಗಳಿಂದ ಮಾಹಿತಿಯನ್ನು ಪಡೆದು ಜಿಲ್ಲಾವಾರು ರಾಜಸ್ವವನ್ನು ಸಿದ್ಧಪಡಿಸಲಾಗಿರುತ್ತದೆ.

ಸನ್ನದುಗಳಲ್ಲಿ ಮಾರಾಟ ಮಾಡಲು ಖರೀದಿಸಿರುವ ಮದ್ಯದ ಮೇಲಿನ ಅಬಕಾರಿ ಸುಂಕ ಮತ್ತು ಹೆಚ್ಚುವರಿ ಅಬಕಾರಿ ಸುಂಕಗಳನ್ನು ಮದ್ಯ ಉತ್ಪಾದಕ ಡಿಸ್ಟಿಲರಿ/ಬ್ರಿವರೀಸ್/ ವೈನರಿ ಘಟಕಗಳ ಹಂತದಲ್ಲೇ ಸಂಗ್ರಹಿಸಲಾಗುತ್ತಿದೆ. ಆದುದರಿಂದ ಸನ್ನದುಗಳಿಂದ ವಾರ್ಷಿಕ ಸನ್ನದು ಶುಲ್ಕ ಹಾಗೂ ದಂಡ ಮತ್ತು ಮುಟ್ಟುಗೋಲು ರೂಪದಲ್ಲಿ ಮಾತ್ರ ಅಬಕಾರಿ ಆದಾಯ ಸಂಗ್ರಹವಾಗುತ್ತಿರುತ್ತದೆ. ಮದ್ಯ ಉತ್ಪಾದಕ ಡಿಸ್ಟಿಲರಿ/ಬ್ರಿವರೀಸ್/ ವೈನರಿ ಘಟಕಗಳು ಹೆಚ್ಚಾಗಿ ಇರುವ ಜಿಲ್ಲೆಗಳಲ್ಲಿ ಅಬಕಾರಿ ರಾಜಸ್ವ ಹೆಚ್ಚಿಗೆ ಸಂಗ್ರಹವಾಗಿರುತ್ತದೆ.

ಕರಡು ಅಬಕಾರಿ ಆಯುಕ್ತರಿಂದ
ಅನುಮೋದಿಸಲ್ಪಟ್ಟಿದೆ.

ಅಬಕಾರಿ ಆಯುಕ್ತರ ಪರವಾಗಿ

[1]THE KARNATAKA EXCISE (SALE OF ARRACK) (REPEAL) RULES, 1999

Whereas, the draft of the following rules to repeal the Karnataka Excise (Sale of Arrack) Rules, 1997 was published as required by sub-section (1) of Section 71 of the Karnataka Excise Act, 1965 (Karnataka Act 21 of 1966) in Notification No. FD 17 PES 98, dated 8-12-1998 in Part IV, Section 2-C(i) of the Karnataka Gazette, Extraordinary inviting objections and suggestions from all persons likely to be affected thereby within fifteen days from the date of its publication in the Official Gazette.

And whereas, the said Gazette was made available to the public on 8-12-1998.

And whereas, no objections/suggestions were received in respect of the said draft by the State Government.

Now, therefore, in exercise of the powers conferred by Section 71 of the Karnataka Excise Act, 1965 (Karnataka Act 21 of 1966), the Government of Karnataka hereby makes the following rules, namely.—

1. **Title and commencement.**—(1) These rules may be called the **Karnataka Excise (Sale of Arrack) (Repeal) Rules, 1999.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Repeal and savings.**—The Karnataka Excise (Sale of Arrack) Rules, 1997 are hereby repealed:

Provided that the said repeal shall not affect the previous operation of the said rules or anything duly done or suffered thereunder or affect any right, liability or obligation acquired or accrued under the said rules.

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1. Published in the Karnataka Gazette, Extraordinary, No. 65, dated 11-1-1999, vide Notification No. FD 17 PES 98, dated 11-1-1999.

Annexure-2

THE KARNATAKA EXCISE (SALE OF INDIAN AND FOREIGN LIQUORS) RULES, 196[illegible]

CONTENTS

Rules Page Nos.

[1]THE KARNATAKA EXCISE (SALE OF INDIAN AND FOREIGN LIQUORS) RULES, 1968

(As amended by GSR 90, dated 22-2-1969; GSR 216, dated 13-6-1969; GSR 403, dated 19-11-1970; GSR 273, dated 3-8-1972; GSR 159, dated 19-6-1975; GSR 344, dated 14-10-1976; GSR 409, dated 23-11-1976; GSR 344, dated 23-12-1976; GSR 149, dated 14-6-1978; GSR 152, dated 14-6-1978; GSR 312, dated 16-10-1978; GSR 327, dated 25-10-1978; GSR 145, dated 3/8-5-1979; GSR 96, dated 24-4-1980; GSR 191, dated 28-6-1980; GSR 35, dated 6-2-1981; GSR 121, dated 11-5-1981; GSR 140, dated 20-6-1983; GSR 144, dated 24-6-1983; GSR 292, dated 16-12-1983; GSR 32, dated 24-1-1984; GSR 277, dated 30-11-1984; GSR 214, dated 1-8-1986; GSR 20, dated 17-1-1987; GSR 80, dated 25-3-1987; GSR 140, dated 29-6-1987; GSR 294, dated 9-11-1987; GSR 152, dated 24-6-1988; SO 1380, dated 11-8-1988; GSR 173, dated 13-9-1989; GSR 181, dated 25-9-1989; GSR 16, dated 6-2-1990; GSR 25, dated 15-3-1991; GSR 39, dated 21-2-1992; GSR 84, dated 7-5-1992; GSR 74, dated 15-4-1993; GSR 93, dated 30-4-1993; GSR 182, dated 20-9-1993; Notification No. FD 22 PES 93(i), dated 9-5-1994; GSR 105, dated 5-7-1994; Notification Nos. FD 10 PES 95(i), dated 31-5-1995; FD 12 PES 95(iv), dated 29-6-1996; FD 325 EDC 95, dated 13-2-1997; GSR 67, dated 7-6-1997; Notification Nos. FD 18 EDC 97(I), dated 18-10-1997; FD 7 PES 98(i), dated 18-6-1998; FD 3 PES 99(iv), dated 9-6-1999; FD 9 PES 2000, dated 23-6-2000; FD 12 PES 2000, dated 24-6-2000; FD 9 PES 2000, dated 18-11-2000; FD 23 PES 99(2), dated 18-11-2000, FD 2 PES 2001, dated 22-2-2001, FD 15 PES 2001, dated 4-7-2001; FD 13 PES 2001(4), dated 13-7-2001; FD 15 PES 99(i), dated 24-6-2002; FD 18 PES 2002, dated 29-6-2002; FD 15 PES 99(i), dated 23-8-2002; FD 20 PES 2002, dated 1-4-2003; FD 22 PES 2002, dated 22-4-2003; FD 9 PES 2003(5), dated 5-6-2003; FD 16 PES 2003(i), dated 30-6-2003; FD 14 PES 2003(i), dated 30-6-2003; FD 2 PES 2004, dated 3-2-2004; FD 36 PES 2003(5), dated 23-2-2004; FD 06 PES 2006(7), dated 19-6-2006; FD 09 PES 2007, dated 29-6-2007; FD 17 PES 2007, dated 12-2-2008; FD 01 PES 2008, dated 25-3-2008; FD 3 PES 2008, dated 22-11-2008; FD 7 PES 2008(I), dated 15-1-2009; FD 17 PES 2009, dated 3-8-2009; FD 08 PES 2013, dated 27-8-2013; FD 03 PES 2014(IV), dated 28-2-2014; FD 14 PES 2013, dated 9-6-2014; FD 06 PES 2011, dated 1-8-2014; FD 09 PES 2014(1), dated 15-12-2014; FD 02 PES 2015, dated 15-4-2016; FD 03 PES 2015, dated 28-5-2016; FD 11 PES 2016, dated 23-6-2016; FD 12 PES 2015, dated 30-6-2016 **and FD 17 PES 2015, dated 4-11-2016.**)

GSR 7.—In exercise of powers conferred by Section 71 of the Karnataka Excise Act, 1965 (Karnataka Act 21 of 1966), the Government of Karnataka, hereby makes the following rules, the draft of the same having been previously published, as required by sub-section (1) of Section 71 of the said

1. Published in the Karnataka Gazette, dated 11-1-1968 vide Notification No. HD 73 ELF 67, dated 4-1-1968.

not to be drunk on the premises.—Under these licences granted in Form CL. 2, the sale of liquor in sealed bottles to any person in a quantity less than [0.050 litres][1] at a time is prohibited.

[2][(3) x x x x x]

[3][(4) The Agent, Secretary or Manager or any other person entrusted with the management of the business of the club shall apply and obtain licence in Form CL-4 from the Deputy Commissioner. The licensee under this clause may open up to four additional counters for serving liquor for the convenience of the members within the licensed premises with the approval of the Deputy Commissioner.]

(5) Occasional licences.—These licences in Form CL-5 are issued for the sale of liquor at the refreshment stalls in connection with race meetings, public entertainments and other such public gatherings to be drunk on the premises.

(6) Special Licences.—These licences shall be granted in Form CL-6 by the Deputy Commissioner of the district with the previous sanction of the Excise Commissioner, when the circumstances are such as not to allow of the issue of licences of any of the above descriptions, on such terms and conditions and for such periods, as he may on each occasion determine.

[4][(6-A) Star Hotel Licences.—Licences under this clause shall be granted by the Deputy Commissioner in Form 6-A to Star hotels for possession and sale of liquor. The licensees under this clause may serve liquor to the residents in the rooms and open more than one counter for the convenience of the residents and boarders within the licensed premises with the approval of the Deputy Commissioner.

Explanation.—'Star Hotel' means the hotel recognized as such by the Ministry of Tourism, Government of India.]

[5][(7) Hotel and Boarding House licences.—

(a) A licence under this clause shall be applied for and obtained in Form CL-7 from the Deputy Commissioner.

(b) No liquor under this licence shall be sold to persons other than those accommodated in the licenced hotel and boarding houses and their guests and casual visitors who take meals in such places.]

Substituted for the figures and word "0.180 litres" by Notification No. FD 03 PES 2015, dated 28-5-2016, w.e.f. 28-5-2016

Sub-rule (3) omitted by GSR 16, dated 6-2-1990, w.e.f. 6-2-1990.

Sub-rule (4) substituted by Notification No. FD 02 PES 2015, dated 15-4-2016, w.e.f. 15-4-2016.

Clause (6-A) inserted by Notification No. FD 18 PES 2002, dated 29-6-2002, w.e.f. 1-7-2002.

Sub-rule (7) substituted by GSR 16, dated 6-2-1990, w.e.f. 6-2-1990.

hotel and boarding house is having a minimum of thirty double rooms in corporation areas and twenty double rooms in other areas:

Provided further that the licences granted under this clause for the excise year 2001-2002 shall be allowed to renew the licences under the rule existing prior to the commencement of the Karnataka Excise (Sale of Indian and Foreign Liquors) (First Amendment) Rules, 2002:]

[2][Provided further more that in respect of Hotels and Boarding Houses leased by the Karnataka State Tourism Development Corporation to private persons, firm or companies on renovate, operate, maintain and transfer (ROMT) basis, while granting or renewing the licenses under this clause, the Excise Commissioner may relax the condition regarding the minimum requirement of thirty double rooms in Corporation areas and twenty double rooms in other areas.]

[3][(7-A) **Tourist Hotel Licences.**—These licences may be granted to Tourist Hotels situated in places other than Cities and managed by the Tourist Development Corporation of the State Government or the Central Government for the possession and sale of Indian liquor (other than arrack) or Foreign liquor or both for supply to residents or for removal to their private rooms in the Tourist Hotel in which tourists stay or to regular boarders for consumption within a specified area in the licenced premises of the tourist hotel or boarding house set apart by the management for the purpose and approved by the Deputy Commissioner of the District in Form No.CL-14 on such terms and conditions as may be specified in the licence and on such other conditions as the Excise Commissioner may from time to time, specify.]

[4][(7-B) **Tourist Hotel Beer Bar Licences.**—These licences may be granted to Tourist Hotels [5][x x x x x] managed by the Tourism Development Corporation of the State Government or Government or Central Government for the possession and sale of beer for supply to residents or for removal to their private rooms in the Tourist Hotel in which tourists stay or to regular boarders for consumption within a specified area in the licenced premises of the tourist hotel or boarding house set apart by the management for the purpose and approved by the Deputy Commissioner of the District in Form CL-15, on such terms and conditions, as may be specified in the licence and on such other conditions as the Excise Commissioner may, from time to time, specify.]

1. Provisos inserted by Notification No. FD 18 PES 2002, dated 29-6-2002, w.e.f. 1-7-2002
2. Third proviso inserted by Notification No. FD 2 PES 2004, dated 3-2-2004, w.e.f. 3-2-2004.
3. Sub-rule (7-A) inserted by GSR 159, dated 19-6-1973, w.e.f. 28-6-1973.
4. Sub-rule (7-B) inserted by GSR 35, dated 6-2-1981, w.e.f. 6-2-1981.
5. The words "situated in places other than cities" omitted by GSR 121, dated 11-5-1981, w.e.f. 13-5-1981.

in Notification GSR No. 479 in Part IV Section 2C(i) of the Karnataka Gazette, Extraordinary, dated 26th October, 1967, namely.—

1. Title, application and commencement.—(1) These rules may be called the Karnataka Excise (Sale of Indian and Foreign Liquors) Rules, 1968.

(2) They shall apply to the sale of Indian liquor [1][x x x x x] and Foreign liquor.

(3) They shall come into force at once.

CASE LAW

Public interest petition filed under Article 32 not entertainable as it is sought to enforce Directive Principles under Article 47.

The writ petition filed under Article 32 of the Constitution is that the policy of prohibition is not being implemented as enjoined by Article 47. The petition is not entertainable. Article 47 of the Constitution, which is part of Directive Principles of State Policy enjoins that the State shall regard the raising of level of the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health. Article 47 as in Part IV of the Constitution which contains Directive Principles of State Policy. Article 37 enjoins that the provisions of this part shall not be enforceable by any Court, but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws. It has to be borne in mind that Article 32 of the Constitution gives the Supreme Court the power to enforce rights which are fundamental rights. Fundamental rights are justiciable, Directive Principles are not. Directive Principles are aimed at securing certain values or enforce certain attitudes in the law making and in the administration of law. Directive Principles cannot in the very nature of things be enforced in a Court of law. Whether a law should be made embodying the principles of Directive Principles depends on the legislative will of the legislation. Article 32 is not the machinery through which policy preferences or priorities are determined and Supreme Court is not the forum where the conflicting claims of policies or priorities should be debated. To make the State accept a particular policy, desirable and necessary as the policy might be is not the function of Article 32 of the Constitution. Article 32 is not the nest for all the bees in the bonnet of 'public spirited persons'.— *B. Krishna Bhat v Union of India,* **(1990)3 SCC 65. [Articles 32 and 47]**

To make the State accept a particular policy — Not the function of Article 32.

The petition under Article 32 is that the policy of prohibition is not being implemented as enjoined by Article 47 of the Constitution. Article 47 of the Constitution, which is part of our Directive Principles of State policy enjoins that the State shall regard the raising of the level of nutrition and the

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1. [illegible]

standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health. Article 47 is in Part IV of the Constitution which contains Directive Principles of the State Policy. Article 37 enjoins that the provisions of this part shall not be enforceable by any Court, but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws. It has to be borne in mind that Article 32 of the Constitution gives the Supreme Court the power to enforce rights which are fundamental rights. Fundamental rights are justiciable, directive principles are not. Directive principles are aimed at securing certain values or enforce certain attitudes in the law making and in the administration of law. Directive principles cannot in the very nature of things be enforced in a Court of law. Whether a law should be made embodying the principles of directive principles depends on the legislative will of the legislation. Article 32 is not the machinery through which policy preferences or priorities are determined and this Court is not the forum where the conflicting claims of policies or priorities should be debated. To make the State accept a particular policy, desirable and necessary as the policy might be is not the function of Article 32 of the Constitution. Article 32 of the Constitution is not the nest for all the bees in the bonnet of 'public spirited persons'.— *B. Krishna Bhat v Union of India,* **(1990)3 SCC 65. [Articles 32, 37 and 47 of the Constitution]**

2. Definitions.—In these rules, unless the context otherwise requires.—

(a) **"Act"** means, the Karnataka Excise Act, 1965;

(b) **"Foreign liquor"** means liquor other than Indian liquor;

(c) **"Form"** means a form appended to these rules;

(d) **"Indian liquor"** means all liquor defined as Indian liquor in the Act, [1][x x x x x]

(e) **"Licence"** means a licence issued under these rules;

(f) **"Licensee"** means, a person to whom a licence is issued

(g) **"Year"** means the year commencing on the first day of July

3. Licences.—Licences for the vend of [2][Indian Liquor (other than arrack)] or Foreign liquor or both shall be of the following descriptions, namely.—

[3][(1) x x x x

(1-A) x x x x x.]

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1. The words "other than arrack" omitted by GSR 273, dated 3-8-1972, w.e.f. 4-8-1972.
2. Substituted for the words "Indian Liquor" by GSR 273, dated 3-8-1972, w.e.f. 4-8-1972.

premises:]

[1][Provided that no licence under this sub-rule shall be granted in any predominantly residential area.]

(10) Auctioneer's licences.—(a) These licences shall be in Form CL-10 and shall be applied for and obtained from the Deputy Commissioner of the District.

(b) The licencee may be give sample bottles in respect of all consignments whether trade consignments or the property of private persons, in order that intending purchasers may have the opportunity of testing high class wines or spirits at their own houses before the auction sale.

(c) The licensee is authorised to sell the [2][Indian liquor (other than arrack)] or foreign liquor or both in less quantities than whole dozens of each description in the case of sales by auction of the property of private parties or estates, or of trade consignments which are alleged or otherwise unmerchantable.

(d) The licensee is authorised to sell by auction at places specified in the licence.

[3][(11) Distributor licence.—(a) A licence under this clause shall be granted by the Excise Commissioner for the whole of the State or any part thereof to deal in the products of all distilleries or breweries or wineries in the State or to import liquor from outside the State for the purpose of distribution or sale within the State or part thereof or to export liquor outside the State. The licensee shall establish such number of depots in different parts of the State, as the Excise Commissioner may specify in this behalf.

(b) The licence under this clause shall be issued only to such company owned or controlled by the State Government as it may specify.

(c) The licence shall be in Form CL-11 and shall be subject to renewal each year at the discretion of the Excise Commissioner.

(d) The Excise Commissioner may also permit the licensee to sell foreign liquor imported from outside India.]

[4][(11-A) Distributor licence to sell foreign liquor.—(1) A licence shall be granted by the Excise Commissioner for the whole of the State or any part thereof to directly import foreign liquor from outside India or to import foreign liquor from other authorised agencies outside the State of Karnataka but within India for the purpose of distribution of sale within the State of Karnataka, as the case may be.

1. Proviso inserted by GSR 74, dated 15-4-1993, w.e.f. 1-7-1993.
2. Substituted for the words "Indian Liquor" by GSR 273, dated 3-8-1972, w.e.f. 4-8-1972.
3. Sub-rule (11) substituted by Notification No. FD 16 PES 2003(i), dated 30-6-2003, w.e.f. 30-6-2003.
4. Clause (11-A) inserted by Notification No. FD 15 PES 2001, dated 4-7-2001, w.e.f. 1-7-2001.

(2) The licence under this clause shall be issued only to such company owned or controlled by the State Government and which possesses an authorisation or import licence granted by the Government of India to import foreign liquor as specified by the Government.

(3) The licence shall be in Form CL-11A and shall be subject to renewal each year at the discretion of the Excise Commissioner.]

[1][(11-B) **Licence to sell confiscated liquor.**—(1) A licence under this clause in Form CL-11B shall be granted by the Deputy Commissioner, only to such companies owned or controlled by the State Government and specified by the Government for possession and to sell in retail to any person of the liquor seized or confiscated under the Karnataka Excise Act, 1965 and Rules framed thereunder and found fit for human consumption.]

[2][(11-C) **Retail shop licence issued to Government Companies.**—(1) Notwithstanding anything contained in Rule 12, a licence under this clause in Form CL(11-C) shall be granted by the Deputy Commissioner, only to such companies owned or controlled by the State Government and specified by the Government, for possession and sale of liquor in retail shops with a condition that such shops shall be exclusively maintained by them and shall not be transferred and sub-leased to others. Consumption of liquor within the licensed premised shall not be allowed under this category of licences.]

[3][(12) **Licence for retail sale of bottled toddy.**—Licence for the retail sale of bottled toddy may be granted with the previous sanction of the Excise Commissioner in Form CL-12 by the Deputy Commissioner of the District, on payment of the licence fee specified in Rule 8 and on such terms and conditions as may be specified in the licence and on such other conditions as the Excise Commissioner may, from time to time, specify.

[4][(13) **Arrack depot licence.**—The Deputy Commissioner may, with the previous sanction of the Excise Commissioner, grant arrack depot licence in Form CL-13, to a person who has obtained a lease of the right of retail vend of arrack for storage of bottled arrack of the approved sizes affixed with excise lables obtained from the licensed warehouse or Depot, on payment of fee specified in Rule 8, subject to the terms and conditions specified in the licence and on such other conditions as the Excise Commissioner, may specify from time to time.]]

[5][(14) **Licence for running duty-free shop at International Airport.**—Licence for retail sale of foreign liquor to *bona fide* International Air Passengers transiting the [6][x x x] International Airport who are required to wait at the

1. Clause (11-B) omitted by Notification No. FD 06 PES 2011, dated 1-8-2014, w.e.f. 1-8-2014.
2. Clause (11-C) inserted by Notification No. FD 14 PES 2003(i), dated 30-6-2003, w.e.f. 1-7-2003.
3. Sub-rules (12) and (13) inserted by GSR 273, dated 3-8-1972, w.e.f. 4-8-1972.
4. Sub-rule (13) omitted by Notification No. FD 06 PES 2011, dated 1-8-2014, w.e.f. 1-8-2014.
5. Sub-rule (14) inserted by Notification No. FD 2 PES 2001, dated 22-2-2001, w.e.f. 22-2-2001.
6. The word "Bangalore" omitted by Notification No. FD 3 PES 2008, dated 22-11-2008, w.e.f. 22-11-2008.

[1][(7-C) **Licence to supply liquor on Board of Train engaged and run by Tourism Development Corporation of State Government or Central Government.**—(a) A licence under this rule may be granted to the Tourism Development Corporation of State Government or Central Government in Form CL-7C by the Deputy Commissioner, Bangalore Urban District, with the prior sanction of the Excise Commissioner for possession and sale of Indian liquor or foreign liquor or both for supply to the *bona fide* travelers traveling in the trains engaged and run by the Tourism Development Corporation of the State Government or Central Government for consumption of liquor within the train during its stay in the limits of the Karnataka State subject to the conditions specified therein the licence.

(b) While applying for licence under this clause, the applicant shall submit application along with the fee specified in Rule 8 and due permission and No Objection Certificate granted by the competent Indian Railway Authorities to serve liquor on board of the train.]

[2][(7-D) Hotel and Boarding House Licenses owned by the person belonging to Scheduled Castes and Scheduled Tribes.—

(a) A licence under this clause shall be applied for and obtained in Form CL-7D from the Deputy Commissioner;

(b) No liquor under this license shall be sold to persons other than those accommodated in the licensed hotel and boarding houses and their guests and casual visitors who take meals in such places:

Provided that no licence under this clause shall be granted unless the hotel and boarding house is having a minimum of fifteen double rooms in Corporation areas and ten double rooms in other areas.]

(8) **Military Canteen Licences.**—These licences may be granted to military canteens for sale of [3][Indian Liquor (other than arrack)] or Foreign liquor or both to the members of the armed forces for their use only and shall be in Form CL-8.

[4][(8-A) **Military Canteen Stores Bonded Warehouse Licence.**—A licence under this clause shall be in Form CL-8-A and shall be granted by the Excise Commissioner, to establish a military canteen stores bonded warehouse, to import, export and store Indian made liquor (other than arrack) or foreign liquor without payment of excise duty. The licensee shall supply or sell the above liquor only after payment of excise duty to other military canteen stores within the State having CL-8 licence.]

1. Sub-rule (7-C) inserted by Notification No. FD 01 PES 2008, dated 25-3-2008, w.e.f. 25-3-2008.

2. Sub-rule (7-D) inserted by Notification No. FD 14 PES 2013, dated 9-6-2014, w.e.f. 9-6-2014.

[1][(8-B) **Border Security Force or Para Military Forces Licences.**—Licences may be granted in Form CL-8-B to Border Security Forces or Para Military Units for sale of Indian Liquor (other than arrack) or Foreign Liquor or both to the members of Border Security Force or Para Military Units for their personal consumption.]

[2][(9) **Refreshment Room (Bar) Licence.**—

(a) A licence under this clause, for refreshment room (bar) for sale of Indian liquor combined with the supply of meals or eatables shall be applied and obtained in Form CL-9 from the Deputy Commissioner:

Provided that no such licence shall be granted by the Deputy Commissioner unless he is satisfied that the refreshment room (bar) provided the following accommodations and facilities.—

[3][(i) a kitchen with sufficient accommodation either with exhaust fan or proper ventilator. The customers shall not pass through kitchen to go the toilet. Passage to the toilet shall be separate from the kitchen;

(ii) a separate room (Dining Hall) for serving the liquor along-with meals or eatables for consumption. The space in the dining shall be so provided that not more than eight persons shall be accommodated in a built in floor area of 100 Sq. ft. (10x10) with a minimum of four feet space between the tables for the movement of customers and servers. Further, the total area of the Hall/Halls for dining shall not be less than 400 Sq. ft:

Provided that the minimum requirement of 400 Sq. fit, area for dining may be relaxed by the Deputy Commissioner of Excise in case of the licences existing on the dates of the commencement of the Karnataka Excise (Sale of Indian and Foreign Liquor) (Amendment) Rules, 1993:

Provided further that in case the licensee desired to shift the licensed premises to any other premises from the premises in which the licence is existing on the date of the commencement of the Karnataka Excise (Sale of Indian and Foreign Liquor) (Amendment) Rules, 1993, the above provisions shall apply without any relaxation.]

(iii) adequate seating arrangements;

(iv) separate toilet with running water facilities for men and women

(b) No sale of liquor for removal from the premises shall be permitted under the licence. No liquor shall be sold to persons who

1. Sub-rule (8-B) inserted by Notification No. FD 12 PES 95(iv), dated 29-6-1996, w.e.f. 29-6-1996.

its express or implied permission, then also the licence is liable to be cancelled or suspended. Therefore, it cannot be held that the servants are responsible for the crime and not the licensee. Section 29(b) of the Karnataka Excise Act gives sufficient powers to the licensing authority to cancel the licence for breach of licence condition. Once the Competent Authorities have recorded a concurrent finding of fact, this Court cannot exercise its extraordinary jurisdiction under Article 226 of the Constitution of India. At one stage, the petitioner herself has admitted in unequivocal terms in writing that her servant has committed a mistake and she is ready to pay the penalty and the value of the commodity seized. Thereafter, she changed her version in the objections filed to the show-cause notice. . . . Having regard to the facts and circumstances of the case there is no error of law or material irregularity in the impugned orders. — *Smt. Jayamma v The Commissioner of Excise in Karnataka, Bangalore and Others,* 2003(5) Kar. L.J. 272.

Rule [illegible] - Bar licence — Cancellation for unauthorised transfer of — Transfer involves parting with ownership of business of running bar for which licence was granted, and transfer becomes unauthorised attracting penalty of cancellation of licence, only if transfer has been effected without previous permission of designated authority and without payment of requisite transfer fee — Act does not contemplate that licensee must himself run bar by being present on premises all time — He is not prohibited from managing business through servant or agent — Power of attorney simpliciter granted to agent to manage business does not amount to transfer of business to agent — Unless there is finding that licensee has divested himself of ownership of business, licence cannot be cancelled — Cancellation of licence in absence of such finding, held, amounts to wrongfully preventing licensee from carrying on her business.

Rule 17 of the Karnataka Excise Licences (General Conditions) Rules, 1967 provides that the right of retail vend of liquor shall not be transferred by the licensee except with the previous permission of the Deputy Commissioner. Rule 17-A provides that in the event of death of the licensee during the currency of the licence, the Deputy Commissioner may, on an application by the legal heirs of the deceased with the previous sanction of the Excise Commissioner, transfer the licence in their favour. Rule 17-B provides for transfer of licences. It provides that in regard to licences issued for sale of Indian liquor or foreign liquor or both, in Form No. CL-1 or CL-2 or CL-7 or CL-9 under the Karnataka Excise (Sale of Indian and Foreign Liquors) Rules, 1968, the Deputy Commissioner may on an application by the licensee and subject to payment of transfer fee equivalent to the annual licence fee specified and with the prior approval of the Excise Commissioner, transfer such licence in favour of any person named by such licence, if such person is eligible for grant of a licence. . . . . The State has the exclusive privilege and right of manufacturing and selling intoxicating liquor. Grant of a CL-9 licence is a privilege or permission granted by the State to the licensee to sell liquor in the manner prescribed in the licence. Parting with the possession and control of the business covered by the CL-9 licence would amount to transfer of such privilege and licence and such an act without the permission of the licensing authority, will be illegal and violative of the terms of licence.

But, if the licensee retains possession and control, but only authorises a servant or an agent to manage the business on his behalf, there is no illegality or infringement of the conditions of licence. In fact clauses (b) and (c) of sub-section (1) of Section 29 contemplate the business of a licensee being run by any agent or servant with the express or implied permission or authority of the licensee. . . . . A general power of attorney is executed as a matter of convenience. By executing such a power of attorney, the executant [principal] provides for management of his affairs/business/properties, by the agent. A power of attorney is normally executed when the executant is not personally able to attend to his affairs/business due to absence or due to incapacity or other preoccupation. The acts of the agent are binding on the principal. In spite of the absence of the principal (executant) granting the power of attorney, the possession and control of the affairs/business remain with the principal. A general power of attorney granted to an Agent to manage the business of the principal does not create any right, title or interest in the asset or business which is the subject-matter of the power of attorney in favour of the attorney holder. Power of attorney is revocable at the will and pleasure of the principal. In short, under a general power of attorney simpliciter [either general or special], there is a mere authority to act unaccompanied by any interest of the agent in the subject-matter of the power of attorney. A common example of such power of attorney is what is granted by a member of family, to another family member to run/manage the business/affairs of the grantor. . . . . When companies and firms can apply and obtain licences and run the business through their authorised agents or employees, there is nothing *per se* objectionable about a person giving a general power of attorney to his family member or friend, or an employee, to run a Bar and Restaurant. A company or firm or individual may own a chain of Restaurants all over the country or State and may grant a power of attorney to an agent/employee to look after the day-to-day management and to apply for licence every year. Mere execution of a power of attorney by the licensee to a family member or employee or friend, cannot lead to suspension or cancellation of the licence or refusal to grant or renew the licence. . . . . Thus, only if it is established that the possession and control of the licensed business has been transferred to someone else, or that the licensee has not retained any control over the licensed business, or where there is a transfer of licence without permission, the licence will be liable to be cancelled. On the other hand, if the licensee continues to have control of the licensed business, but runs the business through a servant or an authorised agent, (that is attorney holder) then there is no violation of the terms and conditions of licence, irrespective of whether the licensee lives in the city/place where the business premises is situated. The question of cancellation of the licence will not arise, in such a case. . . . . In this case, there is no finding that the licensee petitioner has parted with the possession of the licensed premises or the control of the business to anyone else, in particular to the power of attorney holder. Nor has the licence been transferred by the petitioner to anyone else. The power of attorney was granted to a family member, even prior to the date of the licence being transferred from the name of the petitioner's mother to the petitioner. The petitioner obtained transfer of the licence from the name

airport transit lounge reserved for such passenger before resuming their journey shall be granted with the prior sanction of the Excise Commissioner in Form CL-16 by the Deputy Commissioner of the District on payment of fee as specified in Rule 8 and as such terms and conditions as the Excise Commissioner may specify from time to time.]

[(16) **Refreshment Room (Bar) Licence at International Airport.**—Licence under this clause, for refreshment room (bar) for sale of Foreign Liquor or Indian Liquor or both, combined with supply of meals or eatables in.—

(a) an area common for the domestic and international air passengers and *bona fide* users shall be granted in Form CL-17; and

(b) an area exclusively meant for international air passengers shall be granted in Form CL-18;

of an International airport, by the Deputy Commissioner of the District concerned on payment of a fee as specified in Rule 8 and on such terms and conditions as the Excise Commissioner may specify from time to time.]

CASE LAW

R. 3 — Standing Circular No. 141, Para 3(c) — C.L. 2 Licence holder to purchase only from C.L. 1 Licence holder of his district; not permissible to puchase from C.L. 1 Licence Holder outside the district — Explained. — *Bhagyalakshmi Wines Stores and Another v State of Karnataka and Others*, **1989(3)** Kar. L.J. 326.

R. 3(2) — As amended by Karnataka Excise (Sale of Indian and Foreign Liquors) (Amendment) Rules, 1997 — Distributor licence — Amendment liberalising grant of — Provision restricting distributorship to company owned or controlled by State Government, validity of which has been upheld by Apex Court, sought to be diluted and water down by making amendment, permitting appointment of more than one distributor for distillery, brewery or winery either for whole or part of State — Amendment made to nullify effect of judgment of Apex Court is liable to be quashed.

P.P. Sethi, CJ. and A.M. Farooq, J., Held: In the instant case while upholding the validity of 1989 rules, the Supreme Court rejected all the pleas of the manufacturers and distilleries of the IMFL which have been now made a basis for repealing of the 1989 rules. Upholding the validity of the impugned rules would amount to setting aside of the Apex Court judgment in *Khoday Distilleries* case. What the distilleries and manufacturers of liquor could not achieve in a Court of law, they have clandestinely succeeded to obtain by virtue of the impugned rules. The impugned rules if permitted to remain on the statute book would not only be contrary to the directions of the Supreme Court but would be a negation of the rule of law. The impugned rules have not been referred to any reasonable basis or justification. The impugned rules are not only unconstitutional, illegal, *mala fide*, initiated at the instance of the manufacturers and distilleries of IMFL is conspiracy with some bureaucrats

but also against the general public interest resulting in huge losses not only to the State Exchequer but to MSIL, admittedly a public undertaking and a Government Company. — *K.V. Amarnath and Another v State of Karnataka and Others*, **1998(5) Kar. L.J. 62D (DB).**

Rule 3(2) — Constitution of India, Articles 226 and 227 — Allegation of selling spurious and adulterated liquors made against licensee — Suspension of licence in Form CL-2 pending enquiry into — Writ petition challenging order of suspension of licence on ground that opinion formed by Deputy Commissioner that licensee was in possession of spurious and adulterated liquor was without basis as the report of chemical analyst does not disclose anything harmful to consumers in liquor alleged to be spurious and adulterated, seized from licensee — However, in view of fact that opinion formed by authority for suspending licence is based on *prima facie* material and it for that authority to take note of Chemical Analyst's report at time of enquiry, matter is not one to be interfered with in exercise of judicial review — Direction, however, lies to authority to complete enquiry within two months.

B.S. Patil, J., Held: This is not a case of cancellation of licence, but of suspension of the licence pending enquiry. The opinion formed by the Deputy Commissioner, as is evident from the impugned order, is based on *prima facie* material placed before him. What is the effect of the report of the Chemical Analyst, is a matter to be taken note of at the time of enquiry. Therefore, the writ petition is dismissed. . . . . . However, in view of the petitioner apprehending that the disposal of the case may get delayed before the Deputy Commissioner, I deem it appropriate to direct the Deputy Commissioner to conduct necessary enquiry and complete the same within a period of two months from the date of receipt of a copy of this order. — *Smt. Lalithamma v State of Karnataka and Others*, **2010(1) Kar. L.J. 669.**

Rule 3(2) — Constitution of India, Articles 226 and 227 — Retail shop licence — Breach of terms and conditions of — Cancellation of licence for — Concurrent finding of fact by three authorities, *viz.*, Deputy Commissioner (Excise), Commissioner of Excise and Tribunal, that illicit liquors were manufactured and smuggled liquors were sold by servants of licensee in licensed premises — Whether to compound offence or to cancel licence is matter of discretion of authority — Where authority has chosen to cancel licence on basis of such finding, decision of authority cannot be interfered with in exercise of writ jurisdiction.

It reveals from the specific finding given by the Commissioner of Excise that it is a fact that the duplicate liquor and the non-duty paid liquor were found in the storeroom belonging to the CL-2 licensed premises. Therefore, to make a distinction that the same was few metres away from the licensed premises does not hold much water. Whether to compound the offence or cancel the licence is the subjective satisfaction of the Deputy Commissioner who is the licensing authority has passed a well-considered order dismissing

trade market. Any concession which is granted by the State for export sales inter-State sales is a matter of policy. Granting of such concession or absence of such concession cannot make the rule itself manifestly arbitrary or unreasonable or violative of Article 14. All manufacturers and suppliers within the State are governed by the same rules and will, therefore, have to pay the same taxes. All persons who are similarly situated are similarly affected by the amended rules. Therefore, there is no discrimination under Article 14 in its traditional sense. So long as the policy is not arbitrary or wholly unreasonable, it cannot be considered as violative of Article 14.— *M/s. Khoday Distilleries Limited etc. v State of Karnataka and Others*, **AIR 1996 SC** 1.

Rule 3(11)(b) — As amended on 13-9-1989 — Companies Act, 1956, Sections 433(e) and 434 — Liquor manufactured in State — Appointment of Government Agency as sole distributor of — Authority given to agency to collect reasonable margins not exceeding 5% of sales — Loss of margin money suffered by Agency during stay of operation of rule pending disposal of litigation — Since, under prevalent trade practice and also under Government Order appointing Agency as sole distributor, such margin money is payable by vendees of agencies, its claim against manufacturing Company, for loss of margin money cannot be enforced, and its petition for winding up of manufacturing Company for not conceding demand is misconceived and not *bona fide*.

The letter dated 13-11-1989 by which MSIL had been declared as the sole distributor of liquor in the State and it is clearly stipulated therein "that MSIL shall be entitled to charge reasonable margins not exceeding.... 5% on sales within the State". Reasonable margin is a margin which the distributor collects from the person to whom he sells. It is thus clear that MSIL could collect margin money from the wholesalers and retailers to whom liquor was sold. The Company is a manufacturer of liquor and MSIL was not selling liquor to it. MSIL itself clearly understood the Government letter to mean that margin money was payable to it by the wholesalers. MSIL in its letter dated 4-5-1993 addressed to the Company made a grievance that the latter was giving direct supplies of liquor to the wholesalers which acted as a deterrent on the wholesalers from purchasing liquor from MSIL because they had to pay 5% more.... The claim made by MSIL against the Company on the basis of the Government letter dated 13-11-1989 is clearly misconceived and not *bona fide*. No amount could be recovered from the Company on the basis of this letter. If at all any amount could be recovered on the basis of that letter it could be only from the wholesalers and retailers to whom liquor had been sold..... The amount claimed by MSIL is also disputed on the ground that as per the trade practice which is followed consistently, the margin money is payable by the wholesalers/retailers to whom liquor is sold and it is never paid by the manufacturer. If such a practice is prevalent, no amount is payable by the Company. Whether such a practice is prevalent or not is a matter of evidence and in the very nature of things such issues could not be decided on summary proceedings in a winding up petition. — *Mysore Sales* *International Limited, Bangalore v United Breweries Limited, Bangalore*, 2005(6) Kar. L.J. 615B (DB).

Rule 3(11)(b) — As amended on 13-9-1989 — Companies Act, 1956, Sections 433(e) and 434 — Liquor manufactured in State — State Government appointing Agency as sole distributor of — Authorisation given to Agency to collect reasonable margin money on sales effected by it — Petition filed by — Company manufacturing liquor challenging validity of amended Rule, and order of Apex Court upholding its validity and directing manufacturing Company to make good loss of margin money suffered by Agency on account of stay of operation of amended Rule pending disposal of litigation — Order of Apex Court is order *in personam* which is enforceable only against Company which was party to litigation, and not order *in rem*, enforceable against other companies who were not parties to litigation — Hence Company which was not party to litigation cannot be wound up for not making good loss suffered by Agency on account of stay of operation of amended Rule.

The interim order passed by the Supreme Court was not an order *in rem* but it was an order *in personam*. It is true that when the operation of the Rules was ordered to be stayed during the pendency of the appeals in the Supreme Court the Company and several others took advantage of the same even though they were not parties before the Supreme Court because the authorities had been restrained from giving effect to the Rules and not because the order was passed *in rem*. When the authorities did not implement the Rules, the benefit accrued to all and sundry but the conditions which were imposed by the Supreme Court while granting the interim order were operative only between the parties and not on others. Only Khoday Distilleries Limited and others who were parties before the Supreme Court were bound by those conditions and may be they were required to pay margin money/commission to MSIL in terms of the directions contained in para 21 of the judgment in *Khoday Distilleries* case. The Company which was not a party before the Supreme Court was neither required to maintain its accounts nor was it required to supply a copy of the same to MSIL and nor was it required to pay any amount thereunder to MSIL. Therefore, MSIL could not make a claim for the payment of any money from the Company on the basis of the interim order or the final order passed by the Supreme Court in the aforesaid cases. — ***Mysore Sales International Limited, Bangalore v United Breweries Limited, Bangalore*, 2005(6) Kar. L.J. 615C (DB).**

Rule 3(11)(c) — Constitution of India, Articles 226 and 227 — Writ petitions filed praying to strike down Rule 3(11)(c) as amended by Notification dated 30-6-2003 as illegal and unconstitutional — Held — Sale of liquor is neither a fundamental right nor a question of arbitrariness which can be questioned — When State intends to promote business through organised sectors, companies owned by the State, the granting of licences to MSIL cannot be held to be arbitrary — With regard to fixing of exhorbitant fee in respect of private dealers, Government directed to consider representations of petitioners and to take decision to maintain uniformity in

of her mother to her name by making an application through the said power of attorney holder. Grant of a power of attorney by a licensee to a family member, to manage the affairs or business of the licensee, cannot be considered as parting with the possession or transferring the control or transferring the licence to someone else. The third respondent has completely overlooked this aspect of the matter and has misconstrued the observations of this Court in *Mahabala's* case. . . . Hence, the petition is allowed. Consequently, the petitioner will be entitled to continue her business. She will also be entitled to claim appropriate refund of licence fee in regard to the period during which she has been wrongfully prevented from carrying on the business by the impugned order. — *Geetha v State of Karnataka and Others,* 2000(2) **Kar. L.J. 383.**

Rule **3(9)(a) and 3(9)(b)** — Powers of Corporator — On his representation — Liquor shop was ordered to be shifted — Such orders challenged — Both the Excise Authorities rejected plea of petitioner — Held, appeal is remanded to the Excise Commissioner and stayed impugned order found at Annexure-J.

B.S. Patil, J., Held: The Deputy Commissioner of Excise, had passed an order permitting the petitioner to shift to the present place imposing a condition that in case any objections were to be raised, the order permitting shifting was liable to be recalled. Accordingly, petitioner moved to the present premises. Respondent 3 herein who is a local Corporator insisted that the petitioner should occupy some other premises. Objections were also raised by the members of the public. A report of the Deputy Superintendent of Police was obtained. Based on the same, Annexure-J — order came to be passed holding that the petitioner has to shift the shop to another suitable building, in view of the public nuisance likely to be caused and in the interest of public peace...... It is thus clear that the Tribunal has misdirected itself in interpreting Rule 5 of the Karnataka Excise Licences (General Conditions) Rules, 1967, in as much as, the restriction contemplated in Rule 5 is that insofar as residential localities are concerned, if such localities are predominantly inhabited by members of Scheduled Caste and Scheduled Tribe, then no licence for liquor shop shall be granted. The Rule cannot be interpreted as to lay down a total embargo for complete prohibition for granting such licence in any residential area...... The matter is remanded to the Excise Commissioner for fresh consideration..... The Court find it just and appropriate to direct the Commissioner to dispose of the appeal expeditiously, which will be subject to the result of the order to be passed by the Excise Commissioner. Until the disposal of the appeal, the order under challenge Annexure-J shall stand stayed. — *S.C. Srinivasa v The Commissioner of Excise in Karnataka, Bangalore and Others,* **2013(2) Kar. L.J. 189.**

R. 3(11).— There is no manifest arbitrariness in prescribing a distributor licence which can be granted only to a company owned by the State and compelling the manufacturer to sell their product to the distributor.

A distributor licence is prescribed under Rule 3(11). A licence either for

other than the holder of a distributor licence. The rule provides that a distributor licence shall be issued only to such company owned or controlled by the State Government as the State Government may specify. A distributor licence, is only a licence to deal in liquor by sale and purchase of liquor. This activity is not something different from what is contemplated under the Act itself or in respect of which the rule making authority has been delegated to the State. The mere fact that a monopoly of distributor licence is sought to be-created, does not take the licence outside the ambit of the Act. The Act itself provides that the number of licences can be regulated by the State. If the State chooses to regulate licences by providing that the licence shall be granted only to a company owned by the State, it cannot be said that such a licence is something which is outside the purview of the Act or the rule making authority of the State under the Act. The tests of arbitrary action which apply to executive action do not necessarily apply to delegated legislation. In order that delegated legislation can be struck down, such legislation must be manifestly arbitrary; a law which could not be reasonably expected to emanate from an authority delegated with the law-making power. A subordinate legislation may be questioned under Article 14 on the ground that it is unreasonable, 'unreasonable not in the sense of not being reasonable, but in the sense that it is manifestly arbitrary'. Arbitrariness is not a separate ground since it will come within the embargo of Article 14. But subordinate legislation must be so arbitrary that it would not be said to be in confirmity with the statute or that it offends Article 14. Though there is no fundamental right in a citizen to carry on trade or business in liquor and the State under its regulatory has the power to prohibit absolutely every form of activity in relation to intoxicants, such as its manufacture, storage, export, import, sale and possession; nevertheless when the State decides to grant such a right or privilege to others, the State cannot escape the rigour of Article 14. But, while considering the applicability of Article 14 in such a case, the Court would be slow to interfere with the policy laid down by the State Government for grant of licences for manufacture and sale of liquor. In view of the inherently pernicious nature of the commodity large measure of latitude should be allowed to the State in determining the policy of regulating manufacture and trade in liquor. Moreover, the grant of licence for manufacture and sale in liquor, would essentially be a matter of economic policy where the Court would hesitate to intervene and strike down what the State has done unless it appears to be plainly arbitrary, irrational or *mala fide.* It has to be examined whether there is any manifest arbitrariness in prescribing a distributor licence which can be granted only to a company owned by the State; and in compelling the manufacturers to sell their product to the distributor. On the ground that distributor may act arbitrarily or capriciously and may purchase or not purchase liquor at its own sweet-will. Once the rules oblige the manufacturers to supply their product only to the company holding the distributor licence, a corresponding duty is cast on the distributor to place orders with the suppliers concerned whenever demand for a particular product is received by it.

Rules 4 and 5 — Retail shop — Grant of licence in Form CL-2 for running of — Condition regarding location — Premises where applicant intends to conduct business under licence must be specified in application, and if premises is found suitable, licence can be granted — Consent of owner of premises, when applicant himself is not owner, is not requirement for grant of licence — Once consent of landlord is obtained for issue of licence, his further consent is not necessary for renewal of licence every year — Licence granted cannot be revoked merely because landlord has chosen to withdraw his consent.

V.K. Singhal, J., Held: The licence has to be granted by the Excise Authorities on the basis of fulfilling the requirements of the Act and the Rules made thereunder. Though the requirement of any consent of the landlord is not specifically there, but for administrative convenience it has been obtained as in the present case. Once the consent is obtained for, thence for the subsequent period it is not necessary that such consent has to be obtained for renewal of licence every year. Grant of licence cannot be regulated by the whim of the owner of the premises. There is no provision under the Act or the Rules for refusal or cancellation of the grant of licence or renewal in a situation when subsequently the landlord changes his mind. The whim of the landlord would not determine the fate of the tenant. The question whether there is a valid lease or tenancy in existence cannot be examined in the proceedings under Article 226 of the Constitution when a suit is also pending. The right of the tenant does not come to an end automatically with the termination of lease/tenancy. In these circumstances, there is no case made out for interference under the extraordinary jurisdiction under Article 226 of the Constitution. — *B.C. Narasimha Murthy v The Commissioner of Excise, Bangalore and Others,* 1998(5) Kar. L.J. 491A.

R. 4(3)(iii) — Karnataka Excise (Possession, Transport, Import and Export of Intoxicants) Rules, 1967, Rule 4 — Licence in Form CL-1 to wholesalers — Condition No. 2 of licence — Wholesaler to sell liquors only within area specified in licence — Retailer holding CL-2 licence has necessarily to purchase liquor from only such wholesaler who has licence to sell within area — Retailers in Bangalore Rural District purchasing liquor from wholesalers in Bangalore Urban District whose CL-1 licence permits him to sell liquor in Bangalore Rural District as well — Such retailers are entitled to be given transport permits for transporting purchased liquor to their licensed premises.

G.C. Bharuka, J., Held.—Since as per Condition No. 2 of his licence in CL-1, wholesaler can sell liquor only within the area specified in his licence, it is necessarily follows that a retailer of the said district only can purchase liquor from such in wholesaler. In the present cases, it has been brought on record that some of the wholesaler of Bangalore Urban District have been granted licence to effect sale in Bangalore Rural District as well. In that view of the matter as per the law laid down, the present petitioners are entitled to make purchases from the said wholesale dealers. Since purchases in question of the petitioners will be in accordance with law, respondents are statutorily bound

to grant them permits for transportation of the purchased stock of liquor to their licensed premises in terms of Rule 4 of the Karnataka Excise (Possession, Transport, Import and Export of Intoxicants) Rules 1967 provided all the other terms for issuance of such permits as contemplated under law or complied with. — *M. Venkataramaiah v State of Karnataka and Others,* 1996(5) Kar. L.J. 579.

Rule 4(3) — Karnataka Excise Act, 1965, Section 71 — Karnataka Excise (Sale of Indian and Foreign Liquors) Rules, 1968 — As amended in 1992 with effect from 1-7-1992 — Licence — Application for grant or regrant of — Rule requiring application to be accompanied by up-to-date Sales Tax Clearance Certificate issued by Department of Commercial Taxes as condition for considering application — Rule, held, is beyond rule making power of State Government and is unenforceable, as levy and collection of sales tax is not one of purposes to be achieved under Excise Act.

R.V. Raveendran, J., Held.—Firstly, levy and collection of sales tax is not one of the purposes sought to be achieved under the Excise Act. Secondly, the Karnataka Sales Tax Act does not provide that a licence holder under the Excise Act should not be a defaulter of sales tax for the purpose of grant of licence under the Excise Act. Thirdly, neither the Sales Tax Act nor the Excise Act define what is a Sales Tax Clearance Certificate. . . . It is declared that Rule 4(3) of the Rules is beyond the rule making power of the State Government and it is unenforceable. Rule 4(3) of the said Rules is hereby struck down. Consequently, the Authorities enforcing excise laws will not be entitled to insist on production of Sales Tax Clearance Certificate as a condition for accepting an application or for granting licence under the Karnataka Excise (Sale of Indian and Foreign Liquor) Rules, 1968. — *Bhanu Liquor Shop, Banuvalli, Harihar Taluk v State of Karnataka and Others,* 2000(5) Kar. L.J. 512.

[1][**4-A. Registration of Application.**—(1) The Excise Commissioner or Deputy Commissioner, as the case may be, shall register every application immediately on its receipt in the register prescribed. If the application does not contain the prescribed particulars or otherwise is not in order, the Excise Commissioner or Deputy Commissioner shall return such application to the applicant for re-submission under a written endorsement. If the applicant fails to re-submit such application within fifteen days from its receipt from the Deputy Commissioner such application shall be deemed to have been rejected.

(2) Every application received under sub-rule (1), shall be entered in the register prescribed and shall be allotted a registration number in the serial order specifying the time and date of its receipt.

(3) The Deputy Commissioner shall consider and dispose applications received under sub-rule (1), having regard to their date or receipt.]

1. Rule 4-A inserted by GSR 16, dated 6-2-1990, w.e.f. 6-2-1990.

the matter of charging licence fee between private owners and the Government owned companies.

Hon'ble G. Ramesh, J., Held: In view of the legal position and also, since it is settled in various other cases that sale of liquor is neither a fundamental right nor a question of arbitrariness which can be questioned, and also when the State intends to promote business through organised sectors namely, the companies owned by the State, the granting of licences to the MSIL cannot be held to be arbitrary and, the rule enabling grant of some more licences in the interest of public health or general order and thereby, grant of some more CL-2 licences through MSIL, cannot be held to be bad. . . . . . Insofar as charging of licence fee as per Rule 8 of the Rules is concerned, of course, in the case on hand, for CL-2 licence it is charged at Rs. 1 lakh for MSIL, *i.e.*, State owned company's licence holders, whereas, for individual licensees it is being charged at Rs. 7 lakhs and odd within the City Municipal Corporation. The procedure adopted by the State does not stated to reason as to why such a licence fee has to be enhanced when both CL-2 private licence holders as well as State owned companies are to run similar business and also when simultaneously, by a Rule, it has fixed the minimum margin profit of 10% from 20% which was fixed earlier. In the circumstances, it is for the State to reconsider the charging of licence fee to various places as indicated in Rule 8 and it is for the petitioners to give representations to the Government so that the Government shall take decision to maintain uniformity in the matter. Since it is not that the private dealers would take over the public company business, as such, there is no rationale in fixing exorbitant fee in respect of private dealers. However, without quashing the rules framed in 2007, the Government shall consider the representations of the petitioners to maintain uniformity in the matter of charging licence fee since it appears to be causing hardship to run the business and also to eke out their livelihood. Since from time to time, the licence fee would be enhanced/revised, when the margin of profit has been reduced from 20% to 10%, such a revision must be proportionate to the business and the profit thereon. . . . . . Further grievance of the petitioners is, there is no provision for grant of fresh licences under Rule 5 of the Rules as per the policy made by the State on 3-9-2003 in not granting any fresh licences. But, subsequently, it has taken a decision to grant fresh CL-2 licences to MSIL, the State owned company. However, once again the answer for this is, the decision of the Apex Court in *M/s. Khoday Distilleries Limited's* case and also the decision in *Nashirwar v State of Madhya Pradesh and Others*, AIR 1975 SC 360 : (1975)1 SCC 29, wherein the Apex Court has held that, the State has the exclusive right and privilege of manufacturing and selling liquor. It can auction licences for carrying on business of selling liquor and a citizen has no fundamental right to do business in liquor. . . . . .It is stated that one of the purpose of regulation is to raise revenue to the State by granting licences to the State owned companies and while exercising monopoly or privilege, the State felt it proper to give more number of licences to the State owned company to regulate business in liquor. Although a policy was brought in during 2003 to restrict issuance of CL-2 and CL-9 licences.

State as limited revenue would be generated in case of private CL-2 or CL-9 licence holders since the margin profit is fixed. For the purpose of generating revenue, when the State has taken a decision to give more number of CL-2 licences to the State owned companies, that cannot be said either discriminatory or arbitrary and no quota could be fixed for issuance of licences to the Government owned companies by the Commissioner of Excise and it applies only to private individuals. — *B. Martin and Others v State of Karnataka and Others*, **2011(3) Kar. L.J. 16.**

[1][**3-A. Licensee to purchase liquor only from notified depots of the Distributor Licensee.**—The Excise Commissioner shall notify from time to time the area of operation and jurisdiction of each Depot of the Distributor Licensee for the purpose of sale of liquor to the licensees whose shops are located in such notified area. Any person holding a licence in Form CL-2, CL-4, CL-5, CL-6, CL-6A, CL-7, [2][CL-7D], CL-9, CL-14 [3][or CL-15, CL-16, CL-17 or CL-18] issued under these rules shall purchase liquor only from such notified depots of the Distributor Licensee.]

4. Application for licence.—[4][(1) Any person desiring to obtain.—

(a) a distributor licence or a distributor licence to sell foreign liquor shall make the application to the Excise Commissioner; and

(b) any licence other than distributor licence and distributor licence to sell foreign liquor shall make the application to the Deputy Commissioner of the concerned district where the licence has to be sanctioned in Form CL-1A.]

(2) The application shall contain the following particulars namely.—

(i) Name and address of the Applicant;

(ii) If the applicant is a company or a firm, the names and addresses of all the Directors or partners of the company or firm;

(iii) Location of the premises where the applicant intends to conduct the business under a licence;

[5][(iv) If the sale is in more than one district, the names of districts.]

[6][(3) x x x x x.]

1. Rule 3-A substituted by Notification No. FD 06 PES 2006(7), dated 19-6-2006, w.e.f. 1-7-2006.
2. Inserted by Notification No. FD 14 PES 2013, dated 9-6-2014, w.e.f. 9-6-2014.
3. Substituted for the word, letters and figures "or CL-15" by Notification No. FD 3 PES 2008, dated 22-11-2008, w.e.f. 22-11-2008.
4. Sub-rule (1) substituted by Notification No. FD 15 PES 2001, dated 4-7-2001, w.e.f. 1-7-2001.

Commissioner, as the case may be, may on an application made to him along with the licence fee prescribed in Rule 8 renew the licence granted under these rules [2][except wholesale licence granted in Form CL-1 or Form CL-1 (Beer), for the period commencing from 1st July, 2006.].

(2) Every such application shall be made at least one month before the expiry of the licence already granted:

Provided that the Excise Commissioner or the Deputy Commissioner, as the case may be, may accept and consider any such application made after the aforesaid period of one month, if he is satisfied that the applicant had sufficient cause for not making the application within that period.

(3) The licences granted prior to the first of July, 1999 may be renewed at the discretion of the Excise Commissioner or the Deputy Commissioner, as the case may be on payment of 50% (fifty per cent) of the fee prescribed under Rule 8 in respect of the entire period for which licence was not granted, for the purpose of maintaining continuity of the licences:

Provided that while renewing the licence under this sub-rule the Deputy Commissioner or the Excise Commissioner, as the case may be shall ensure that the total number of licences granted or renewed do not exceed the quota fixed in Rule 12, for grant of each kind of licence for an area.]

CASE LAW

Rule 5-A — As amended by Karnataka Excise (Sale of Indian and Foreign Liquors) (Second Amendment) Rules, 2000 — Licence — Grant or renewal of — It has to be granted or renewed for whole excise year, and not for fraction of excise year — Renewal of licence for only three months after collecting licence fee for whole excise year, held, bad in law.

It is not in dispute that the authorities have no power to renew the licence for a break up period. When the Rule provides that the licence has to be renewed from one excise year to another excise year the respondents have granted licence only for a period of three months after collecting the licence fee for the whole year. The respondents- authorities have no right to collect the licence fee for a break up period under the Act. When they have no right to collect the licence fee for a break up period, they have no right to grant licence for a break up period. In other words, there is no justification on the part of the respondents to collect the licence fee for the whole year and grant the licence for a period of three months only. — *S.N. Chinappa v State of Karnataka and Others*, **2001(5) Kar. L.J. 234.**

Rule 5-A — Petitioners prayed for writ of *mandamus* directing respondents to renew lapsed licences by accepting 50% of prescribed licence fee for lapsed period — Sub-rule (3) of Rule 5-A makes it clear that if licences granted prior to 1-7-1999 may be renewed on payment of 50% of fee prescribed under Rule 8 of Rules in respect of lapsed period — Petitioners

1. Rule 5-A inserted by Notification No. FD 12 PES 2000, dated 24-6-2000, w.e.f. 24-6-2000.
2. Inserted by Notification No. FD 06 PES 2006(7), dated 19-6-2006, w.e.f. 1-7-2006.

having obtained licences after 1-7-1999, benefit of concession provided under Rule 5-A(3) not applicable to them — Demand notice issued by authorities calling upon petitioners to deposit entire arrears of licence fee cannot be said to be illegal or bad in law — Petition dismissed.

Mohan Shantanagoudar, J., Held: The bare perusal of Rule 5-A of the Rules would make it clear that the application for renewal of licence shall be made either before the Excise Commissioner or the Deputy Commissioner as the case may be, along with the licence fee prescribed under Rule 8 of the Rules for renewal of licence. Rule 8 of the Rules prescribes specified fees for obtaining licence. Thus, the applicant shall have to pay the required licence fee for getting the licence renewed. Such an application shall be filed at least one month prior to expiry of the licence already granted. However, the Excise Commissioner or the Deputy Commissioner as the case may be, may condone the delay in filing the application if he is satisfied that the applicant had sufficient cause for not making the application within a period of one month. Sub-rule (3) of Rule 5-A of the Rules further makes it abundantly clear that if the licences granted prior to 1st July, 1999, if lapsed, may be renewed at the discretion of the Excise Commissioner or the Deputy Commissioner as the case may be, on payment of 50% of fee prescribed under Rule 8 of the Rules in respect of the lapsed period. The language used in Rule 5-A(3) of the Rules is plain and unambiguous. Hence, the said provision has to be read as it is. There is no scope for reading or interpreting the same in any other manner than its plain meaning. Thus, as the petitioners have obtained licences after 1- 7-1999 the benefit or concession provided under Rule 5-A(3) is not applicable to them. The plain reading of the said provision makes it clear that they are not entitled for the concession for payment of 50% of the licence fee for the lapsed period. — *Narasegowda v State of Karnataka and Others*, **2008(3) Kar. L.J. 74.**

[1][**5-B. Wholesale licences in Form CL-1 and Form CL-1 (Beer) not to be renewed.**—Notwithstanding anything contained in Rule 5-A wholesale licences granted or renewed in Form CL-1 or Form CL-1 (Beer) in the year 2005-06 or earlier years shall not be renewed for the period commencing from 1st July, 2006.]

6. Restriction on the use of premises.—No premises shall be used for the sale of [2][Indian Liquor (other than arrack)] or Foreign Liquor or both unless it is approved by the Deputy Commissioner of the District.

CASE LAW

R. 6 — Karnataka Excise Licenses (General Conditions) Rules, 1967 — Sale of Indian made Foreign liquors — Licenced premises — Order to shift the premises — Opportunity of being heard necessary before directing shifting. — *C.L. Kalappa v Deputy Commissioner (Excise)*, **1990(1) Kar. L.J. 226 : ILR 1990 Kar 1689.**

1. Rule 5-B inserted by Notification No. FD 06 PES 2006(7), dated 19-6-2006, w.e.f. 19-6-2006.
2. Substituted for the word "Indian" by GSR 273, dated 3-8-1972, w.e.f. 4-8-1972.

[1][4-B. **Disqualification.**—(1) A person shall be disqualified from submitting an application for obtaining or renewal of licence under these rules if he.—

(i) has not paid the arrears of any excise dues in respect of liquor sold by him;

[2][(ii) has not produced a valid income-tax clearance certificate or has not produced any document in proof of filing the latest income-tax return before the Income-tax Department in respect of his income;]

(iii) is holding an office of profit under the State Government or Central Government;

(iv) is a minor or an undischarged insolvent or is of unsound mind;

(v) has been convicted of any cognisable and non-bailable offence under any Act, or any offence under the Narcotic Drugs and Psychotropic Substances Act, 1985 and Medicinal and Toilets Preparation (Excise Duties) Act, 1955, or an offence under Section 481, 482, 483, 484, 485, 486, 487 or 489 of the Indian Penal Code, 1860.

Explanation.—For the purposes of this rule, a company, firm or other body corporate shall be deemed to have incurred the disqualification if the person in charge of and responsible for the conduct of the business of such company, firm or other body corporate has incurred the disqualification.

[3][Provided that the authority which grants or renews the licence may in the interest of revenue and for any other reason to be recorded in writing relax the provisions of clause (i) and grant or renew the licence.]

(2) A person shall not be disqualified under clause (i) of sub-rule (1) if he produces a certificate from a competent Revenue or Excise Officer to the effect that the arrears have been paid.]

[4][5. **Grant of Licence.**—On receipt of the application under Rule 4, [5][and subject to the provisions specified in Rule 4-A] the Deputy Commissioner or the Excise Commissioner, as the case may be, may require such other particulars as he may deem necessary and may make inquiries for verification of the particulars furnished by the applicant and also such other inquiries as he deems fit. If the Deputy Commissioner or the Excise Commissioner, as the case may be is satisfied that there is no objection to grant the licence applied for, he may grant the licence on payment of the fee prescribed under Rule 8 for such licence:

1. Rule 4-B inserted by Notification No. FD 15 PES 99(i), dated 24-6-2002, w.e.f. 24-6-2002.
2. Clause (ii) substituted by Notification No. FD 15 PES 99(i), dated 23-8-2002 and shall be deemed to have come into force w.e.f. 24-6-2002.
3. Proviso inserted by Notification No. FD 15 PES 99(i), dated 23-8-2002 and shall be deemed to have come into force w.e.f. 24-6-2002.
4. Rule 5 substituted by GSR 344, dated 14-10-1976, w.e.f. 28-10-1976.

Provided that no such licence shall be granted by the Deputy Commissioner except with the previous sanction of the Excise Commissioner.]

[1][Provided further that while considering the applications for grant of CL-7 [2][or CL-7D] licence, the Deputy Commissioner shall ensure that the applicant is in a position to provide good accommodation and facilities to the customers and the standard of refreshments, food and service are provided for. If the Deputy Commissioner is of the opinion that the hotel or the boarding house does not conform to the minimum standard required for running a hotel or boarding house or not suitable to grant licence, he may reject such application after giving reasons therefor.]

CASE LAW

R. 5 — Licence — Grant of.

Jagannatha Shetty, J.—A rival trader has no right to be heard before considering an application for licence. The grant of licence under the Excise Rules is not controlled by the population of the area — *[illegible] Excise Commissioner,* **1974(2) Kar. L.J. Jr. 75 Sh.N. 287.**

Rule 5 — Original licence was issued — Writ seeking renewal of CL-2 licence — Due enquiry followed — Application for renewal under Rule 5-A for the year 2014-2015 filed — Deputy Commissioner called upon the petitioners to furnish copies of records of the building as well as the conversion order for diversion of the land over which the shop premises was constructed — Deputy Commissioner did not exercise of jurisdiction vested in him — Held, petitions are allowed in part and the Deputy Commissioner is directed to consider petitioners' application for renewal of CL-2 licence.

Ram Mohan Reddy, J., Held: Petitioners when issued with CL-2 licence after due enquiry and following Rule 5 of the Karnataka Excise (Sale of Indian and Foreign Liquors) Rules, 1968, filed an application for transfer of licence from Kundapur to Udupi in the year 2009, whence Deputy Commissioner having regard to Rule 23 of the Karnataka Excise Licences (General Conditions) Rules, 1967 and Rule 5 over restriction of location of the shop permitted the shifting to Udupi. Thereafterwards, on an application under Rule 5-A of the Rules, licence was renewed for the years 2010-2011, 2011-2012, 2012-2013 and 2013-2014. . . . . . The fact that the Deputy Commissioner did not exercise a jurisdiction vested in him under Rule 5-A to dispose of the petitioners' application before 30-6-2014 is a clear indicator of denial of the petitioners' right of renewal. Although learned HCGP submits that there is no denial of exercise of jurisdiction, yet again, I am afraid the very fact that he did not exercise jurisdiction vested in him before 30-6-2014 tantamounts to non-exercise of jurisdiction vested in him, calling forth interference. — *Smt. Saritha S. Hegde and Another v The Deputy Commissioner, Udupi District, Manipal and Another,* **2014(4) Kar. L.J. 365.**

Panchayat areas	Rs. 5,00,000 per year
(e) Other areas	Rs. 4,00,000 per year]
[1][7-A. Tourist Hotel licences referred to in clause 7-A of Rule 3	Rs. 30,000/- per year]
[2][7-B. Tourist Hotels Beer Bar Licence referred to in clause (7-B) in Rule 3	Rs. 1,000/- per year]
[3][7-C. Licence to supply liquor on Board of Train engaged and run by the Tourism Development Corporation of the State Government or Central Government under clause (7-C) of Rule 3	Rs. 10,00,000/- per year]
[4][(7-D) Hotel and Boarding House Licenses owned by the person belonging to Scheduled Castes and Scheduled Tribes specified in clause (7-D) of Rule 3, in the case of.—	
(a) City Municipal Corporation areas having population more than 20 lakhs	Rs. 8,50,000 per year
(b) Other City Municipal Corporation areas	Rs. 7,50,000 per year
(c) City Municipal Council areas	Rs. 5,50,000 per year
(d) Town Municipal Council/Town Panchayat areas	Rs. 5,00,000 per year
(e) Other areas	Rs. 4,00,000 per year]
[5][8. Military Canteen Licence referred to in clause (8) of Rule 3	Rs. 250/- per year]
[6][8-A. Military Canteen Stores Bonded Warehouse licence	Rs. 1,25,000]
[7][8-B. Border Security Force/Para Military Unit licence	Rs. 100 per year]
[8][9. Refreshment Room (Bar) Licence referred to in clause (9) of Rule 3 in the case of.—	

1. Item 7-A substituted by Notification No. FD 11 PES 2016, dated 23-6-2016, w.e.f. 1-7-2016.
2. Item 7-B substituted by Notification No. FD 11 PES 2016, dated 23-6-2016, w.e.f. 1-7-2016.
3. Item 7-C substituted by Notification No. FD 11 PES 2016, dated 23-6-2016, w.e.f. 1-7-2016.
4. Item 7-D substituted by Notification No. FD 11 PES 2016, dated 23-6-2016, w.e.f. 1-7-2016.
5. Item 8 substituted by Notification No. FD 11 PES 2016, dated 23-6-2016, w.e.f. 1-7-2016.
6. Item 8-A substituted by Notification No. FD 11 PES 2016, dated 23-6-2016, w.e.f. 1-7-2016.
7. Item 8-B of Rule 8 inserted by Notification No. FD 12 PES 95(iv), dated 29-6-1996, w.e.f. 29-6-1996.
8. Item 9 substituted by Notification No. FD 11 PES 2016, dated 23-6-2016, w.e.f. 1-7-2016.

(a) City Municipal Corporation areas having population more than 20 lakhs	Rs..7,50,000/- per year
(b) Other City Municipal Corporations areas	Rs. 6,00,000/- per year
(c) City Municipal Council areas	Rs. 5,00,000/- per year
(d) Town Municipal Council Areas/ Town Panchayat Areas	Rs. 4,00,000/- per year
(e) Other areas	Rs. 4,00,000/- per year]
10. Auctioner's Licence	Rs. 20/- per year
11. Licence for retail sale of bottled toddy	Rs. 250 /- per year
[1][12. x x x x x	x x x x x]
[2][13. x x x x x.]	
[3][14. (a) Licence for running duty-free shop at International Airport; and	Rs. 10,000/- per year
(b) Distributor licence to sell foreign liquor	Rs. 50,00,000/- per year]
[4][15. Retail shop licence issued to Government Companies	Rs. 4,00,000 per year]
[5][16. Refreshment Room (Bar) Licence at International Airport	Rs 12,50,000 per year.]

[6][(2) x x x x x.]

[7][(3) x x x x x.]

[8][(4) The Excise Commissioner may demand payment of a sum in the nature of privilege fee specified in Section 24 of the Act subject to such guidelines and procedure as the State Government may issue in this regard from time to time.]

1. Item 12 omitted by Notification No. FD 03 PES 2015, dated 28-5-2016, w.e.f. 28-5-2016
2. Item 13 and Note of Rule 8 omitted by Notification No. FD 16 PES 2003(i), dated 30-6-2003, w.e.f. 30-6-2003.
3. Item 14 substituted by Notification No. FD 03 PES 2015, dated 28-5-2016, w.e.f. 28-5-2016.
4. Item 15 substituted by Notification No. FD 11 PES 2016, dated 23-6-2016, w.e.f. 1-7-2016.
5. Item 16 substituted by Notification No. FD 11 PES 2016, dated 23-6-2016, w.e.f. 1-7-2016.
6. Sub-rule (2) omitted by Notification No. FD 06 PES 2011, dated 1-8-2014, w.e.f. 1-8-2014
7. Sub-rule (3) omitted by Notification No. FD 06 PES 2006(7), dated 19-6-2006, w.e.f. 1-7-2006.
8. Sub-rule (4) inserted by Notification No. FD 16 PES 2003(i), dated 30-6-2003, w.e.f. 30-6-2003.

R. 3 — Karnataka Excise Licenses (General Conditions) Rules, 1967 — Sale of Indian made Foreign liquors — Licenced Premises — Powers of Deputy Commissioner to direct shifting from one place to another place having regard to the public interest — *Held*, Power to direct shifting of premises is inherent in the Licencing Authority and it is part of the original power which is vested in Deputy Commissioner to approve a shop at the time of granting the licence — Explained. — *C.L. Kalappa v Deputy Commissioner (Excise)*, **1990(1) Kar. L.J. 226 : ILR 1990 Kar. 1689.**

7. **Duration of Licence.**—All licences other than "Special Licences" and "occasional licences" [1][granted or renewed] shall be valid for the year or where a licence is granted [2][or renewed] on any date after the 1st July until the 30th June thereafter:

[3][x x x x x.]

CASE LAW

Rules 7 and 8 — Retail vend of liquor — Duration of licence issued in Form CL-2 for — Duration is only for excise year for which it is issued — Fresh licence is required to be obtained by paying prescribed fee for subsequent year, and fresh licence so obtained is not expired licence renewed — Where licensee had discontinued business after expiry of licence obtained by him for particular year and has applied for licence after gap of some years, licence fees for years during which he had not obtained licence, cannot be recovered from him for issuing licence for subsequent year he has applied for.

There is no question of renewal of licence and, therefore, when an application for licence is considered for a particular year, the Department cannot recover licence fee for the earlier years. In view of it, respondents will have to consider the petitioner's application for grant of licence for the year 1999-2000 without demanding any amount as licence fee for the previous years when petitioner did not seek licence. — *Narayana v State of Karnataka and Others*, **2000(5) Kar. L.J. 30.**

8. **Fees to be paid.**—(1) The licence fee for the several kinds of licences shall be as follows, namely.—

[4][5][1. x x x x x

1-A. x x x x x]

2. Retail Shop Licence referred to in clause (2) of Rule 3 in the case of,—

(a) City Municipal Corporations having population more than 20 lakhs. Rs. 6,00,000/- per year

1. Inserted by Notification No. FD 12 PES 2000, dated 24-6-2000, w.e.f. 24-6-2000.
2. Inserted by Notification No. FD 12 PES 2000, dated 24-6-2000, w.e.f. 24-6-2000.
3. Proviso omitted by Notification No. FD 9 PES 2000, dated 23-6-2000, w.e.f. 1-7-2000.
4. Items 1 to 12 substituted by GSR 191, dated 28-6-1980, w.e.f. 1-7-1980.
5. Clauses (1) and (1-A) omitted by Notification No. FD 06 PES 2006(7), dated 19-6-2006, w.e.f.

(b) Other City Municipal Corporations areas Rs. 5,00,000/- per year

(c) City Municipal Council Areas Rs. 4,50,000/- per year

(d) Town Municipal Council Areas or Town Panchayat areas Rs. 4,00,000/- per year

(e) Other areas. Rs. 4,00,000/- per year]

3. Licence to Chemists and Druggists Rs. 100 per year

[1][4. Licence to clubs referred to in clause (4) of Rule 3, in the case of —

(a) City Municipal Corporations areas having population more than 20 lakhs Rs. 6,50,000 per year

(b) Other City Municipal Corporation areas Rs. 5,00,000 per year

(c) City Municipal Council areas Rs. 4,00,000 per year

(d) Town Municipal Council or Town Panchayat areas Rs. 2,00,000 per year

(e) Other areas Rs. 2,00,000 per year]

[2][5. Occasional licence referred to in clause (5) of Rule 3 Rs. 10,000/- per day]

[3][6. Special licence referred to clause (6) of Rule 3 Rs. 10,000 per day

[4][6-A. Star Hotel Licence referred to in clause (6-A) of Rule 3 Rs. 10,00,000 per year]

[5][7. Hotels and Boarding Houses licence referred to in clause (7) of Rule 3, in the case of.—

(a) City Municipal Corporation areas having population more than 20 lakhs Rs. 8,50,000 per year

(b) Other City Municipal Corporations areas Rs. 7,50,000 per year

(c) City Municipal Council areas Rs. 5,50,000 per year

1. Item 4 substituted by Notification No. FD 11 PES 2016, dated 23-6-2016, w.e.f. [illegible]-2016.
2. Item 5 substituted by Notification No. FD 09 PES 2007, dated 29-6-2007, w.e.f. [illegible]-2007.
3. Item 6 of Rule 8 substituted by Notification No. FD 17 PES 2015, dated 4-11-201[illegible], w.e.f. 4-11-2016.

manufactory unless the issue is from bonded warehouse to licensed vendor. See Karnataka Excise Act, Section 23(aa) — 1971(2) Kar. L.J. 94.

Ex. Rules 3-4. — Rates of licence fee — Whether arbitrarily fixed, exorbitant and uneconomical leading to annihilation of business — Party making allegations to prove with facts and figures — Court hesitant to intervene.

S. Rajendra Babu, J., Held.—The petitioners have not in any of these petitions laid a factual foundation to demonstrate the enhanced fee would result in annihilation of the petitioners' business nor result in destruction of their activities. Due regard should be had to the nature of trade and business and the policy of the Government in such matters should not be lightly interfered with because grant of licences for manufacture and sale of liquor would essentially be a matter of economic policy where the Court would hesitate to intervene and strike down what the State Government had done, unless it appears to be plainly arbitrary, irrational or *mala fide*. — *Karnataka Wine Merchants' Association (Regd.), Bangalore and Others v State of Karnataka and Others,* 1995(4) Kar. L.J. 214D.

Rr. 8 and 11 — Licence fee — Payment of, for sale of liquor — Licence fee payable in advance for each excise year — Rate to be determined on whether area is Corporation area or Municipal area on 1st July of each year — Notification issued on 17-7-1992 declaring area as Corporation and notification issued on 5-10-1995 declaring the areas as municipal areas make licensee liable to pay licence fee at the rate applicable to Corporation area for only three excise years of 1993-94, 1994-95 and 1995-96.

G.C. Bharuka, J., Held.— Since under Rule 11 the licence fee for an excise year commencing from 1st of July has to be paid in advance along with the application therefore the rate of licence fee will be governed by the fact as to whether on 1st of July of the concerned excise year, the area concerned was a Municipal area or the Corporation area. If on such date the area was a Municipal area, the licence fee can be collected only by treating it to be Municipal area. The difference of licence fee can be calculated by taking into account the rate of licence fee which was applicable to Corporation area only for the excise years 1993-94, 1994-95 and 1995-96. — *H. Ibrahim and Others v State of Karnataka and Others,* 1996(5) Kar. L.J. 678B.

R. 8(1) — Invalid — Constitution Schedule VII, List II, Entries 8, 51 & 62.

Chandrashekhar & Noronha, JJ.—The licence fee levied under Rule 8(1) of the Rules for the privilege of retail vending of Indian and Foreign liquors, cannot be regarded as excise duty on such liquors. The State Government has no power under the Act to make rules providing for a levy which is not in the nature of excise duty.

Licence fee for the privilege of vending liquor does not come within Entry 51 of List II. The power to levy such licence fee cannot be deducted from Entry 8 which is a general legislative entry relating to production, manufacture, possession, purchase and sale of intoxicating liquor.

Nor can licence fee under Rule 8(1) be justified as a tax on luxuries falling within entry 62 of List II Schedule VII Rule 8(1) is invalid in so far as it relates to levy of licence fee on retail vending of Indian and Foreign liquors. AIR 1967 SC 1512, AIR 1971 SC 152 & 1968(2) Kar. L.J. 78 foll. AIR 1954 SC 220 expld.— *V.S. Narayanaswamy v State of Karnataka,* ILR 1974 Kar. 1287 : 1974(2) Kar. L.J. 200.

Rule 8(1) — As amended on 18-6-1998 — Licence fee — Enhancement of — Whether arbitrary and exhorbitant — Licence fee is in nature of consideration for contract and is not in nature of any levy of fee or tax or compulsory extraction — When Government proposes to lease out right to vend liquor, party concerned has option to enter into contract or not — Fixation of fee is policy decision which cannot be interfered within exercise of extraordinary jurisdiction under Article 226 of Constitution.

Fixation of fee is a policy decision which the delegative authority has to exercise. In respect of the enhancement, if the entire history is examined, on the face of it also cannot be said to be arbitrary. The licence fee is in the nature of consideration for contract and not fee or tax or compulsory extraction from a party. . . . . Therefore, it is not a case where this Court should interfere with the extraordinary jurisdiction under Article 226 of the Constitution. — *Karnataka Wine Merchants Association (Registered), Bangalore and Others v State of Karnataka and Others,* **1999(2) Kar. L.J. 612B.**

Rule 8(1) — As amended on 18-6-1998 — Licence fee — Re-fixation and enhancement of — Classification of licensees on basis of area where they carry on business, whether within Municipal Corporations having population exceeding 20 lakhs, or in smaller cities or towns or in rural areas, for charging different rates of fees — Classification, held, reasonable and not violative of Article 14 of Constitution.

The classification which has been made here is in respect of the place where business is carried on. If a person is wholesale dealer and the licence is granted in respect of the premises which is under the Corporation limit, a different fee is prescribed, when similar dealer who carries on business in the rural limit. The distinction between the village limit or Corporation limit can be said to be a reasonable classification or based on *intelligible differentia*. If the licensees who are carrying on business in the Corporation limit have been kept at a different footing than the persons carrying on business in the rural limit *per se* it is reasonable classification and cannot be considered as violative of Article 14 of the Constitution. The classification is reasonable with the object of the legislature which is sought to be achieved by giving lesser burden of licence fee to persons who are carrying on business in rural area. — *Karnataka Wine Merchants Association (Registered), Bangalore and Others v State of Karnataka and Others,* **1999(2) Kar. L.J. 612A.**

R. 8(1) — Imposition of Licence Fee under Rule 8(1) to be paid in respect of the premises where the licensed shop is located — Such a licence fee does not pertain to the sale or manufacture — Such a rule is beyond the enabling provision of Section 23(d).

[1][(5) Privilege fee for Distributor Licence shall mean and include the rate or amount determined by way of notification by the State Government from time to time, at any time in a year. The Privilege fee fixed by the State Government shall be payable by the Distributor Licensee to the State Government during the period of licence for the year with effect from 1st day of July to 30th June thereafter.]

CASE LAW

Rule 8 — Indian Contract Act, 1872, Section 29 — Licence fee — Enhancement and recovery of — Licensee paying existing fee and agreeing to pay fee as would be enhanced in accordance with proposal of Government — Proposed enhancement held in abeyance pending disposal of litigation between licensees and Government — Agreement to pay enhanced fee, not void for uncertainty as parties knew terms of proposed enhancement — Absence of statutory provision to collect enhanced fee, not relevant where payment of fees is governed by terms of contract — Enhanced fee fixed under rules in accordance with policy of Government and after inviting and considering objections thereto from public and affected parties cannot be held unconscionable.

A careful perusal of these agreements will make it clear that not only the liability to pay the existing licence fee is discharged, but it is also made clear that licence fee for the relevant year is going to be enhanced and in that event he is ready to pay the difference of licence fee immediately on hearing from the department. A contract which is intended to be binding on a party is certainly enforceable even though certain terms may not have been precisely set forth in the agreement, if the nature of the said terms can be ascertained from the surrounding circumstances. It cannot be said that the parties concerned could not give a meaning to the expressions used in these agreements to state that what the enhancement could be and with reference to what period or the rate of enhancement and what the difference could be. When these aspects were clearly in the mind of the parties at the time of entering into agreements, the petitioners would not be justified in contending that the contract between the parties is void for uncertainty. *The argument that there is no power to demand or collect short levied licence fee in the absence of a specific provision under the statute may not be of much significance in this case because of the agreements entered into between parties and the nature of licence fee being consideration for contract. Thus we are in the realm of contract and not power being exercised by any authority over the citizens under a statute such as in case of collection of compulsory exactions like tax or fee. In such latter cases necessarily there ought to be a specific provision for collection of short levy. When the parties have agreed to pay the licence fee, as may be enhanced, the contention that the respondents have no power to enforce such a clause in the absence of a specific provision in the statute is not tenable at all. It is clear that this is a case where the petitioners accepted to carry on trade in liquor subject to the policy of the State. The policy of the State* has been explained in the budget presented to the legislature and after following the procedure under Section 71 of the Karnataka Excise Act relevant rules have been framed after inviting objections from the concerned persons and the licence fee has been fixed under these rules. The licence to be granted is in the nature of a contract, but even so, all the terms thereof are prescribed under statutory rules framed after publication of a draft, calling for objections, considering such objections with the further requirement of laying such rules in the legislature. This kind of contract which contains the terms laid down under statutory rules comes into existence after following a hybrid procedure which is both contractual and statutory. Such contracts are not susceptible to the attack of being unconscionable to be invalid under the Contract Act. — *K.G. Ponnuswamy Raju and Others v State of Karnataka and Others*, 1996(5) Kar. L.J. [illegible]

Rule 8 — Legislature competent to charge licence fee for parting with privilege to vend liquor — Licence fee is in nature of consideration for contract and not fee or tax or compulsory extraction from party — Principles applicable to delegated legislation regarding tax or fee not applicable to collection of licence fee.

It is no longer open to the petitioners to contend that the legislature has no competence to charge or collect licence fee for parting with the privilege to vend in Indian or Foreign liquor. Section 24 of the Act consists of two parts, namely, the introductory part that instead of or in addition to any excise duty or countervailing duty leviable under Sections 22 and 23, which is put in parenthesis, and the operative part that the State Government may accept payment of such a levy of licence fee or privilege fee as may be prescribed in consideration of grant of a lease or licence or both, by or under the Act. Section 24 as amended enables not only acceptance of certain consideration in the form of fee called licence fee or privilege fee, but also for grant of licence or lease of the said privilege. Section 24 makes it clear that the State Government may accept payment of a sum or levy such licence fee or privilege fee in consideration of grant of a lease or licence or both. In order to part with a lease or licence, consideration could be collected and such consideration could be collected under this provision for the purpose of granting licence or lease. What is provided under Section 24 is in the nature of a consideration for contract and is not at all in the nature of any levy of fee or tax or compulsory exaction from a party. When the Government proposed lease or licence on right to vend in Foreign/Indian liquor, the party concerned has a choice in the matter and there is no element of compulsion involved at all. Hence, the principles applicable to delegated legislation in respect of levy of fee or tax cannot be applied at all. — *Karnataka Wine Merchants' Association (Regd.), Bangalore and Others v State of Karnataka and Others*, 1995(4) Kar. L.J. **214A.**

hall with effect from such date as the State Government may notify in this behalf store or sell any bottle of liquor which is not affixed with the excise label specified by the [4][Excise Commissioner:]]

[5][Provided that in the case of bottle of beer a licensee may also store or sell the bottles which in lieu of excise adhesive lebels bear such number, marks, impression embossing in such manner as may be specified by the Excise Commissioner from time to time on the approved labels of manufactures or on any part of the bottle.]

[6][(2) Notwithstanding anything contained in sub-rule (1), in respect of liquor imported from outside the State, the distributor licensee, shall in lieu of excise adhesive labels, affix Holograms on liquor bottles, with such specification as specified by the Excise Commissioner at his own cost in the presence of the Warehouse Officer with effect from such date as the State Government may notify in this behalf.]

[7][9-B. **Fee for approval of brand labels of liquor manufactured outside Karnataka.**—No person shall import and sell in Karnataka any Indian made liquor manufactured outside Karnataka without the approval of such brand labels by the Excise Commissioner and fee for grant of such approval shall be [8][rupees fifty thousand per annum per label in case of Indian made liquor including Beer [9][but excluding Wine and rupees ten thousand in case of Wine] per annum per label:

Provided that no approval shall be granted by the Excise Commissioner for any brand label unless permission for manufacture of such liquors and approval for labels is granted by the competent excise authorities in the State in which such liquor is manufactured:

Provided further that the provisions contained in Rule 15 of the Karnataka Excise (Bottling of Liquors) Rules, 1967 regarding the contents of labels shall *mutatis mutandis* apply to the brand labels of other State also.]

[10][9-C. **Fee for approval of brand labels of liquor manufactured outside India.**—(1) No person shall import and sell in Karnataka any foreign liquor manufactured outside India without the approval of such brand labels by the Excise Commissioner.

Rule 9-A inserted by GSR 173, dated 13-9-1989, w.e.f. 30-9-1989.

Rule 9-A renumbered as sub-rule (1) by Notification No. 16 PES 2003(i), dated 30-6-2003, w.e.f. 30-6-2003.

Read for the word "licence" by GSR 181, dated 25-9-1989.

Read for the word "Commissioner" by GSR 181, dated 25-9-1989.

Proviso to Rule 9-A inserted by GSR 105, dated 5-7-1994, w.e.f. 5-7-1994.

Sub-rule (2) inserted by Notification No. 16 PES 2003(i), dated 30-6-2003, w.e.f. 30-6-2003.

Rule 9-B inserted by Notification No. FD 9 PES 2000, dated 23-6-2000, w.e.f. 1-7-2000.

Substituted for the words "rupees fifty thousand" by Notification No. FD 22 PES 2002, dated 22-4-2003, w.e.f. 22-4-2003.

Substituted for the words "but excluding Wine and rupees twenty-five thousand in case of wine" by Notification No. FD 12 PES 2015, dated 30-6-2016 and shall be deemed to have come into force w.e.f. 1-7-2015

0. Rule 9-C inserted by Notification No. FD 15 PES 2001, dated 4-7-2001, w.e.f. 1-7-2001.

apply to the Excise Commissioner for approval of brand labels enclosing sets of labels of each brand of label along with the challan for having paid the fee for approval of labels at the rate of [1][rupees twenty thousand in case of liquor other than Beer and Wine and rupees ten thousand in case of Beer and Wine] per annum per label:

Provided that the provisions contained in Rule 15 of the Karnataka Excise (Bottling of Liquors) Rules, 1967 regarding the contents of labels shall *mutatis mutandis* apply to the brand labels of liquor manufactured outside India:

Provided further that in addition to the above details, a sticker shall be affixed on the foreign liquor bottles containing name and address of the distributor licensee to sell foreign liquor or import of foreign liquor in India, in case such liquor is not directly imported by the distributor licensee.]

10. Strength of liquor.—No foreign liquor [2][or Indian liquor (other than arrack)] weaker in strength than 25° under proof will ordinarily be entered in the authoritative list issued by the Excise Commissioner, referred to in Rule 9 or allowed to be sold under any of the licences granted under Rule 3 except under special licences, provided that in the case of gin the strength may be not less than [3][35° Under Proof.] But the Government may authorise the entry in the list and the sale of any special brands of weaker strength, on being satisfied of their wholesomeness and purity.

11. Licence fee to be paid in advance.—The licence fee for all kinds of licences shall be paid in advance along with application for the licenses. In case the licence is not granted the fee paid shall be refunded.

CASE LAW

Rules 11 and 3(2) — Licence fee — Refund of — Licence fee deposited by applicant seeking licence in Form CL-2 to run retail shop is refundable to applicant if licence is not granted to him — Claim for refund by third party, not applicant who deposited fee, is not maintainable.

Under Rule 11 of IMFL Rules, if the licence had not been granted, the amount has to be refunded in favour of the person who deposited the amount. Since the present petitioner had not deposited the amount, he cannot maintain the petition for *mandamus*. . . . . The writ petition is not maintainable and the authorities cannot be directed to refund the advance amount to the petitioner. — *M.L. Lingaraj v State of Karnataka and Others*, **2002(1) Kar. L.J. 175.**

1. Substituted for the words "rupees twenty-five thousand" by Notification No. FD 18 PES 2002, dated 29-6-2002, w.e.f. 1-7-2002.
2. Inserted by GSR 159, dated 19-6-1973 and shall be and shall always be deemed to have been inserted.
3. Substituted for the figures and letters "350 U.P." by GSR 216, dated 13-6-1969, w.e.f. 26-6-1969.

Ranganath Misra, C.J., M.H. Kania and Kuldip Singh, JJ., Held.—The High Court rightly did not accept the challenge to Section 23(d) of the Karnataka Excise Act, 1965. What is authorised under Section 23(d) is imposition of a fee of licence in respect of manufacture or sale of any excisable articles. R. 8(1) has obviously gone beyond the enabling provision in the section by requiring a licence fee to be paid for the premises where the licensed shop is located. Such a fee would not have the support of Section 23(d). It is necessary to refer to precedents for support for this conclusion. It may be possible for the Legislature to make a statutory provision for a licence fee of the type contemplated under the Rules but without authority of the statute a Rule of the type impugned should not have been made. We find no merit in this appeal and it is, therefore, dismissed. — *State of Karnataka and Others v V.S. Narayana Swamy*, **AIR 1992 SC 151 (FB).**

Rule 8(1).— Requiring a licence fee to be paid for the premises where a licensed shop is located, is beyond the enabling provision in Section 23(d) of the Act.

What is authorised under Section 23(d) of the Mysore Excise Act, 1965, is imposition of a fee of licence in respect of manufacture or sale of any excisable articles. Rule 8(1) has obviously gone beyond the enabling provision in the section by requiring a licence fee to be paid for the premises where the licenced shop is located. Such a fee would not have the support of Section 23(d). It may be possible for the Legislature to make a statutory provision for a licence fee of the type contemplated under the rules but without authority of the statute a rule of the type impugned should not have been made.— *State of Karnataka and Others v V.S. Narayana Swamy*, **AIR 1992 SC 151 : 1991 AIR** SCW 2850.

[1][8-A. **Additional licence fee.**—In respect of a licence granted under these rules, an additional licence fee equivalent to fifteen per cent of the licence fee levied in respect of each kind of licence under Rule 8, shall be levied for the purpose of various infrastructure projects across the State, equity investment in Bangalore Mass Rapid Transit Limited and for establishing a Mukhya Manthri Grameena Rasthe Abhivruddhi Nidhi in the proportion of 57:28:15 respectively.]

CASE LAW

R. 8-A — Additional licence fee at 15% of licence fee charged under Rule 8 — Only in respect of licences issued in Bangalore City — Proceeds of collections under Rule 8-A for utilisation towards Bangalore Mass Rapid Transit System — Validity of levy.

S. Rajendra Babu, J., Held.—The whole object of Rules 8 and 8-A is to raise the revenue for the State. If that object is sought to be achieved by raising revenue in terms of Section 24 of the Act, which is only a consideration for granting privilege, whether it is collected in terms of Rule 8 or 8-A would not make much difference. It may be for purpose of identification of certain percentage of amount to be utilised for Bangalore Mass Rapid Transit System, such an arrangement has been made. No exception could be taken to that fixation of levy either. — *Karnataka Wine Merchants' Association (Regd.), Bangalore and Others v State of Karnataka and Others*, **1995(4) Kar. L.J. 248C.**

Rule 8-A — As amended on 18-6-1998 — Additional licence fee — Validity of — 15% of licence fee charged under Rule 8 is collected as additional licence fee only in respect of licences issued in Bangalore City — Proceeds of collections earmarked for equity investment in Karnataka Infrastructure Development and Finance Corporation — There is no hostile discrimination in levy of additional fee.

V.K. Singhal, J., Held: Additional licence fee at 15% was charged for Bangalore City and the proceeds of collections under Rule 8-A of the Karnataka Excise (Sale of Indian and Foreign Liquor) Rules, 1968 were for utilisation towards Bangalore Mass Rapid Transit System. Now this additional fee is to be collected in respect of each kind of licensees under Rule 8 for a period of two years from July 1, 1998. Additional fee takes the same character as that of fee and simply because separate provision is made, its character is not changed. Though the rule making authority in mentioning the object of collection of this additional licence fee as equity investment in the Karnataka Infrastructure Development and Finance Corporation, it was not necessary to mention even the object for which it was collected. There is no hostile discrimination so as to affect the provisions of Article 14 of the Constitution and the fee demanded cannot be said to be arbitrary or in any way *mala fide.* — *Karnataka Wine Merchants Association (Registered), Bangalore and Others v State of Karnataka and Others*, **1999(2) Kar. L.J. 612C.**

[1][**8-B. Security Deposit.**—x x x x x.]

9. List of Brands to be furnished.—Every applicant for a licence to sell [2][Indian Liquor (other than arrack)] or foreign liquors or both shall give to the Deputy Commissioner of the District, a list, in writing, of the particulars of brands he wishes to sell. The Deputy Commissioner shall then satisfy himself that every brand named in the list is of genuine [3][Indian Liquor (other than arrack)] or foreign liquor or both and is entered in the authoritative list issued by the Excise Commissioner. If he finds in the list any doubtful or spurious brand he shall exclude the same from the list to be appended to the licence. The list appended to the licence will be liable to be added to, or otherwise altered upon the application of the licensee.

1. Rule 8-B as inserted by Notification No. FD 18 PES 2002, dated 29-6-2002, w.e.f. 1-7-2002 and omitted by Notification No. FD 06 PES 2006(7), dated 19-6-2006, w.e.f. 1-7-2006.

Rules

Page No.

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Annexure - 3

[1]THE KARNATAKA EXCISE (GENERAL CONDITIONS OF LICENCES) RULES, 1967

(As amended by GSR 171, dated 6-5-1969; GSR 384, dated 4-11-1969; GSR 432, dated 12-12-1969; GSR 107, dated 18-3-1970; GSR 359, dated 3-12-1975; GSR 50, dated 12-2-1976; GSR 223, dated 27-7-1976; GSR 141, dated 5-5-1977; GSR 215, dated 17-7-1978; GSR 250, dated 24-8-1979; GSR 142, dated 24-5-1980; GSR 282, dated 23-9-1980; GSR 143, dated 25-6-1983; GSR 99, dated 30-3-1985; GSR 16, dated 6-2-1990; GSR 26, dated 5-2-1992; GSR 4, dated 8-1-1993; GSR 127, dated 21-6-1993; GSR 24, dated 6-12-1993; Notification No. FD 22 PES 93(ii), dated 9-5-1994; GSR 119, dated 19-7-1994; GSR 132, dated 12-8-1994; GSR 156, dated 22-9-1994; GSR 184, dated 28-11-1994; GSR 64, dated 23-5-1995; GSR 58, dated 17-4-1996 Notification Nos. FD 5 PES 2000, date 28-4-2000; FD 9 PES 99, dated 27-11-2000; FD 28 PES 2001, dated 8-1-2002; FD 27 PES 2001, dated 19-2-2002; FD 8 PES 2002, dated 6-5-2002; FD 6 PES 2003, dated 30-6-2003; FD 10 PES 96(II), dated 6-4-2004; FD 25 PES 2003, dated 20-6-2006; FD 03 PES 2007(2), dated 25-5-2007; FD 7 PES 2008(II), dated 15-1-2009; FD 11 PES 2009, dated 9-2-2010; FD 05 PES 2013(1), dated 28-2-2013; FD 03 PES 2014(V), dated 28-2-2014; FD 08 PES 2011, dated 6-8-2014; FD 08 PES 2014, dated 21-11-2014 **and FD 16 PES 2015, dated 4-11-2016.**)

GSR 469.—In exercise of the powers conferred by Section 71 of the Karntaka Excise Act, 1965 (Karnataka Act 21 of 1966), the Government of Karnataka hereby makes the following rules, the draft of the same having been previously published, as required by sub-section (1) of Section 71 of the said Act, in Notification GSR No. 434 in Part IV, Section 2-C(i) of the Karnataka Gazette, Extraordinary, dated 30th September, 1967, namely.—

1. Title, extent and commencement.—These Rules may be called the **[2][Karnataka Excise (General Conditions of Licences)] Rules, 1967.**

(2) They shall extend to all the areas of State of Karnataka, where the Karnataka Excise Act, 1965, is in force.

(3) They shall come into force at once.

2. Application.—These rules shall apply to all licences issued under the Karnataka Excise Act, 1965 for sale of liquors and every such licence shall be deemed to include the conditions prescribed by these rules as general conditions.

[3]**[3. Definitions.**—In these rules unless the context otherwise requires.—

(1) **"Educational Institution"** means a Pre-Primary, Primary or Secondary School [4][or college or institution] owned or managed

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1. Published in the Karnataka Gazette, Extraordinary, dated 19-10-1967, vide Notification No. HD 76, EFL 67, dated 19-10-1967.
2. Substituted for the words and brackets "Karnataka Excise Licences (General Conditions)" by Notification No. FD 16 PES 2015, dated 4-11-2016, w.e.f. 4-11-2016

or recognised by any local authority, State or Central Government or any College affiliated to or established or managed by any University established by law.

(2) "Licensee" means a person to whom a licence to sell Liquor is granted.

(3) "Religious Institution" means a temple, mutt, mosque, church, synagogue, agiary or other place of public religious worship which is as the case may be, established or managed or owned by a public trust, the Religious and Charitable Endowments Commissioner or a Society registered under the Societies Registration Act or Wakf Board Act.

(4) "Shop" means the licenced premises where liquor is sold].

4. Commencement of business.—Licensee shall commence his business on the 1st July or such date as may be notified by the Excise Commissioner and shall keep open on every day during such hours as may be fixed by the Excise Commissioner.

Explanation.—Any shop shall be deemed to be open when in the case of liquor shop so much of stock is always kept in the shop so as to meet the requirements for a week and in case of toddy shops to the extent of daily requirements.

[1][**4-A. Closure of shops on certain occasions.**—(i) A licensee may after intimation to the Excise Inspector of the jurisdictional range, close the shop on the following occasions, namely.—

(a) on the day of marriage in his family; or

(b) on the day of the occurrence of a death or accident on his family; and

(ii) A licensee may with the prior permission in writing of the Deputy Commissioner of Excise close the shop for renovation or repair of licensed premises for a period not exceeding fifteen days in an excise year.]

[2][**5. Restriction in respect of location of shops.**—(1) No licence for sale of liquor shall be granted to a liquor shop or premises selected within a distance of 100 metres from any religious or educational institution or Hospital or any Office of the State Government or Central Government or Local Authorities or in a residential locality, where the inhabitants are predominantly belonging to Scheduled Castes or Scheduled Tribes or within a distance of 220 metres from the middle of the State Highways or National Highways:

[3][Provided that where a shop is sanctioned to a village the population of which is less than two thousand five hundred, such shop shall be located outside the residential locality of the village.]

[4][**Explanation.**—[5][(1) For the purpose of this rule "National Highway" or State Highway" shall not include such parts of the National Highway or State Highway as are situated within the limits of a Municipal Corporation, City or Town Municipal Council, or such other authority having a population of twenty thousand or more.]

[1][**Explanation.**—(2) For the purpose of this rule, the expression "Hospital" means any Government Hospital, Primary Health Centre or Primary Health Unit and includes a Private Hospital or a Private Nursing Home which has the facility of a minimum of thirty beds for treatment of inpatients.

Explanation.—(3) For the purpose of this rule the expression "Office of the State Government or Central Government or Local Authority" means and includes any State or Central Government Office headed by Group 'A' or 'B' grade officers and the main Administrative Offices of Local Bodies like City Corporation, City Municipal Council, Town Municipal Council, Town Panchayat, Zilla Panchayat, Taluk panchayat and Grama Panchayat and such other offices of the State Government, Central Government or Local Authorities as may be specified by the Government from time to time.]

(2) The Deputy Commissioner of Excise shall after making such enquiry as he deems fit approve the premises of liquor shop so selected and thereafter the description of the premises of liquor shop shall be entered in the Licence to be issued:

Provided that the Deputy Commissioner of Excise may, with the prior approval of the Excise Commissioner and for reasons to be recorded in writing, permit the location of any shop within a distance of 100 metres, but not less than 50 metres from the institutions, hospital, office or locality specified in sub-rule (1) within the City Municipality or City Corporation limits.

[2][Provided further that the Deputy Commissioner of Excise may grant licence to locate any liquor shop in a premises situated within a distance of 220 metres from the middle of a State Highway or a National Highway if such premises is located in a predominantly inhabited area, or extension of a town, village, or area the population of which is more than two thousand five hundred and where a licence to locate shop in such premises was granted or was existing during the period commencing from 1st July, 1992 and ending on [3][30th June, 1994.]]

[4][(2-A) Notwithstanding anything, contained in sub-rules (1) and (2) the Deputy Commissioner of Excise may with a view to secure, convenience, morality, tranquility, decency or safety of the public or for any other reason, reject the application for licence to a liquor shop or premises after recording the reasons therefor.]

(3) For the purpose of this rule while measuring the distance specified in this rule, the distance shall be measured along the nearest path by which the pedestrian ordinarily reaches, adopting the mid-point of the entrance of the shop and the mid-point of the nearest gate of the institution, hospital or office

1. Rule 4-A substituted by Notification No. FD 16 PES 2015, dated 4-11-2016, w.e.f. 4-11-2016
2. Rule 5 substituted by GSR 127, dated 21-6-1993, w.e.f. 21-6-1993.
3. Proviso inserted by GSR 24, dated 6-12-1993, w.e.f. 6-12-1993.
4. Explanation to sub-rule (1) inserted by GSR 119, dated 19-7-1994, w.e.f. 19-7-1994.
5. Explanation to sub-rule (1) renumbered as Explanation (1) by GSR 156, dated 22-9-1994, w.e.f. 22-9-1994.

1. Explanations (2) and (3) inserted by GSR 156, dated 22-9-1994, w.e.f. 22-9-1994.
2. Second proviso inserted by GSR 119, dated 19-7-1994, w.e.f. 19-7-1994.
3. Read for the words and figures "30th June, 1992." by GSR 132, dated 12-8-1994.
4. Sub-rule (2-A) inserted by GSR 156, dated 22-9-1994, w.e.f. 22-9-1994.

if there is a compound wall and if there is no compound wall, the mid-point of the nearest entrance of the institution of the office.

(4) The Deputy Commissioner may, by order after giving the licence an opportunity of being heard, direct such licence to shift the location of any shop,—

(a) With a view to secure the convenience, morality, tranquility, decency or safety of the public [1][or compliance] of the provisions of these rules; or

(b) where after the issue of a licence, any religious institution or educational institution is established [2][or any office of the State Government or Central Government or Local Authorities or a Hospital is opened] within the limits specified in this rule;

to any other suitable place, within such period, not exceeding three months as he may specify.]

[3][(5) The Excise Commissioner may at his discretion and for reasons to be recorded in writing exempt from the application of these rules in the case of distributor licences referred to in clause (11) of Rule 3 of the Karnataka Excise (Sale of Indian and Foreign Liquors) Rules, 1968.]

CASE LAW

R. 5 — Amendment of *vide* Notification No. FD 20 PES 92, dated 21st June, 1993 — Constitutional validity of amended Rule 5 challenged — Rule placing restrictions regarding location of shops — Whether unreasonable and arbitrary, thereby offending Article 14 of the Constitution?

Shivaraj Patil, J., Held.—Rule 5 of the Rules 1967 prior to its amendment did place restrictions regarding location of shops stating that no such site shall be selected to locate a shop within a distance of 100 metres from any religious or educational institution or residential locality inhabited predominantly by Scheduled Castes and Scheduled Tribes. The amended Rule 5 includes hospitals, any office of the State Government or of the Central Government or local authorities and State and National Highways. Distance of 100 metres remains the same except in regard to highways. As far as State Highway and National Highway are concerned, distance prescribed for location of a shop is 220 metres from the middle of the State Highway or National Highway. It appears and it stands to reason as well, that the impugned rule is intended to secure the convenience, morality, tranquility, decency or safety of the public. . . . In short, the impugned rule serves the public interest and as such it is neither unreasonable nor arbitrary. — *B.N. Raghuram and Others v State of Karnataka and Others,* **1993(3) Kar. L.J. 235A.**

R. 5 — Amendment of — Whether *ultra vires* Section 71 of the Act.

1. Substituted for the words "and compliance" by GSR 156, dated 22-9-1994, w.e.f. 22-9-1994.
2. Inserted by GSR 156, dated 22-9-1994, w.e.f. 22-9-1994.

Shivaraj Patil, J., Held.—The contention that the impugned Rule 5 being the subordinate legislation is not a law made by the legislature of the State and that too when it is not placed on the floor of the legislature, restrictions imposed by the impugned rule are bad in law, does not merit acceptance. Having regard to the language of Section 71(3) of the Act, a valid rule made under the Act has to be taken as a law made by the State Legislature. The impugned Rule 5 is aimed at and intended to achieve some social purpose and the rule is made in the interest of safety, morality and convenience of the public and that the impugned rule having been made by virtue of the powers conferred by Section 71 of the Act definitely serves the purpose of the Act. The impugned Rule 5 is not *ultra vires* of the Act. — *B.N. Raghuram and Others v State of Karnataka and Others,* **1993(3) Kar. L.J. 235B.**

Rule 5 — Karnataka Excise Act, 1965, Section 21 — Location of business of vending Indian Liquor — Notice to licences to shift location of their business — Law and order question — Challenged — Contended that no opportunity given and decision taken unilaterally to issue notice to shift place of business — Held — Act always prevail over rules — Rule 5 is only in context of shifting whereas Section 21 is in context of maintaining law and order — Main intention is to close down shops immediately. — Notice is more an enabling notice rather than one for purpose of shifting — Three days time to make alternative arrangement is more than sufficient when situation is examined under Section 21 of the Act — Action of authorities have to be examined on touchstone of rules and statutory provisions rather than to examine rights of the licensee — No person has a right to trade in liquor as it is a privilege of the State — Action does not warrant interference in exercise of power of judicial review of administrative action.

D.V. Shylendra Kumar, J., Held: Petitioners have approached Court on the premise that the Deputy Commissioner of the District has surprised them by issuing the notice calling upon the petitioners to shift the location of their business to some other place within three days from the date of receipt of the notice as otherwise the authorities will be constrained to close the shops forcibly from carrying on business at the existing location. . . . . . They urge that the notice in *per se* bad in law; that it is clearly violative of sub-rule (4) of Rule 5 of the Karnataka Excise Licences (General Conditions) Rules, 1967 and they have been asked to shift their business place even without giving any opportunity; that a decision has been taken unilaterally even before the petitioners can have their say in the matter; that the rule contemplates opportunity of hearing being given to persons like the petitioners before the place of business is asked or permitted to be shifted and therefore the present action is clearly violative of the rule. . . . . . While it is true that sub-rule (4) of Rule 5 of the Rules contemplates opportunity of hearing to a person who has been asked to shift from the existing location to a new place, there cannot be any generalisation of this rule so as to either dilute the provisions of Section 21 of the Act or in any way interpret the rule working at cross purposes with the intention and object of Section 21 of the Act. While a section always

order, peace and it has been made in the larger public interest. . . . . . The notice is more an enabling notice rather than one for the purpose of shifting the premises. In fact, the main intention of the notice is to close down the shops immediately and the incidental purpose and option given is to shift to some other place and then to continue the business there. In fact, giving three days time to make alternative arrangements is more than sufficient opportunity when the situation is examined from the context of the provisions of Section 21 of the Act. . . . . . Insofar as the contention that the rights are violated is concerned, in the first instance, no person has a right to trade in liquor, it is a privilege of the State, parted by the State for a price. While it is true that the action of the authorities can be examined on the touchstone of the rules and statutory remedies, it is done more to ensure that the authorities exercising power under the Act and the Rules, act in a fair and statute conforming manner rather than to examine the rights of a licensee. . . . . . The action taken under notice is more than justified, *bona fide* action and not one warranting interference in the exercise of power of judicial review of administrative action. . . . . If permitting the shops to remain open in the area can create law and order situation, the authorities can definitely close down the shops immediately. . . . . . The authorities are definitely at liberty to keep the shops closed in the exercise of power under Section 21 of the Act till the decision is taken. — *Rajendra Jyotiba Desai and Another v State of Karnataka and Others*, **2009(1) Kar. L.J. 40.**

Rule 5 — Oral order passed by the Chief Justice — Petitioner a social worker filed the present public interest litigation petition — Petitioner challenged the orders of excise people permitting liquor shop within 100 mts. of the Government offices, hospitals, educational institutes, harijan colonies — Excise Inspector submitted a report the shop under question situated at a distance of 106.80 mts. — Held, the distance between the proposed liquor shop and the masjid is more than 100 mts. thus PIL is dismissed by imposing cost of Rs. 1,000/-.

D.H. Waghela, C.J. and Mrs. B.V. Nagarathna, J., Held: The main ground for challenging the impugned order allowing transfer/shifting of CL-2 licence owned by respondent 4 for the year 2012-2013 from Dr. Ambedkar Road is that, the new location of the liquor shop is within 100 metres of the Government offices, hospitals, educational institutions, harijan colony and the national highway. It is also stated that there is a masjid within a radius of 100 metres. All these factual aspects are traversed by filing the affidavit of the Inspector of Excise, Belgaum North Range, Belgaum, with the statement that the distance between the masjid and the liquor shop in question is 106.80 metres and a fresh survey is conducted to verify whether the liquor shop was falling within the area as alleged, in the vicinity of the offices or institutions. . . . . . . Therefore, it *prima facie* appears that the allegations made in the petition are incorrect and the distance between the masjid and the liquor shop belonging to respondent 4 is more than 100 metres and hence, there is no violation of Rule 5 of the Karnataka Excise Licences (General Conditions) Rules, 1967, as alleged by the petitioner. . . . . . Under the circumstances, the petition is dismissed with nominal cost of Rs. 1,000/- to be paid by the petitioner to respondent 3 within a period of fifteen days. — *Jalil v State of Karnataka and Others*, **2013(6) Kar. L.J. 385 (DB).**

Rule 5 — Petitioner had questioned before Appellate Tribunal order passed by Excise Commission withdrawing CL-7 licence that had been issued in his favour — Order passed by Tribunal declining to grant stay of withdrawal of licence pending considering of appeal challenged herein — This Court observed that Tribunal found that grant of licence obviously clashes with interest of a protected institution under Rule 5 of the Rules; that location of temple being well-within 100 metres from location of hotel — Tribunal satisfied that it was not a proper case for grant of interim stay and in its exercise of discretion declined to grant interim order prayed for — No scope for interference in absence of any special or compelling reasons forthcoming — Writ petition dismissed.

D.V. Shylendra Kumar, J., Held: The Court is of the view that even without referring to this decision of the Supreme Court, the Tribunal has applied all the principles laid down therein and has examined the relevant aspects for grant of interim order of stay and being of the opinion that there was no justification to grant an interim order as prayed for, as such an order is perfectly justified. No scope for interference in the absence of any special or compelling reasons forthcoming, as indicated from the record or as placed before the Court by the learned Counsel for the petitioner for waiving the general rule of maintaining a distance of 100 mtrs. and also in the absence of any compelling reasons to grant a CL-7 licence as recorded by the Commissioner within a distance of 100 mtrs., the order passed by the Tribunal is unexceptionable, both on facts and in law. — *Hotel Basant Residency, Bangalore v The Excise Commissioner in Karnataka, Bangalore Division, Bangalore and Others*, **2008(2) Kar. L.J. 89.**

Rule 5 — Public interest litigation — Availability of alternative remedy under Act, and maintainability of — Grant of licence to run liquor shop within distance of 100 metres from educational institution, in breach of statutory condition — Where Appellate Authority to which appeal lies under Act, has no jurisdiction to decide question of public interest, remedy provided in Act is therefore no remedy when public interest is involved — Availability of such remedy is no bar to writ petition in public interest.

S.R. Bannurmath and Subhash B. Adi, JJ., Held: The appeal lies under the circumstances mentioned in Section 61, but the Appellate Authority cannot decide the public interest. — *Prof. G. Shainesh and Others v State of Karnataka And Others*, **2009(1) Kar. L.J. 287E (DB).**

Rule 5 — Renewal of licence to vend liquor — Held, every licence — A fresh licence given to petitioner — Remains subject to restrictions under Rule 5 — Principles of *res judicata* or constructive *res judicata* cannot be applied so as to extend benefit of relaxation.

Dr. Vineet Kothari, J., Held: When this Court is satisfied that the relaxation was made in the earlier years itself was given without any proper reasons, the question of extending such relaxations for future years cannot arise,

which in any case, could not be claimed as a matter of right by the petitioner. – *S. Gopal v The Commissioner of Excise in Karnataka, Bengaluru and Another,* **2016(4) Kar. L.J. 647B.**

R. 5 — Whether the amended Rule 5 covers CL-9 licences also?

Shivaraj Patil, J., Held.—Merely because the liquor is sold in a refreshment room or in the premises covered by CL-9 licence, it cannot be said that amended Rule 5 is not applicable to CL-9 licences, in view of the express statement made in Rule 2 that these rules are applicable to all licences issued under the Act and that every such licence shall be deemed to include the conditions prescribed by these rules as general conditions. In addition to the rules applicable to a particular kind of licence, the event of sale of liquor in whatever premises pertaining to a licence issued under the Act attracts the impugned Rule 5. Hence, I conclude that the amended Rule 5 is applicable to CL-9 licences also. — *B.N. Raghuram and Others v State of Karnataka and Others,* **1993(3) Kar. L.J. 235E.**

R. 5, As amended — Object to contain proliferation of activity — Making liquor inaccessible on the Highways except those areas which fall within the Municipal areas — Not arbitrary or unreasonable — Difference noticed between areas not irrational.

S. Rajendra Babu and B.K. Somasekhara, JJ., Held.—The object of the impugned rule, it appears to us is that the activity of selling liquor in certain areas is sought to be eliminated, thus making liquor inaccessible in such areas. Admittedly the activity of selling liquor is obnoxious or deleterious to the health of the people. In fact Article 47 of the Constitution enjoins on the State to introduce prohibition as State Policy. Indeed, if, introduction of prohibition which was dear to the Father of the Nation is not possible either for administrative or financial reasons, the only alternative sofaras the State is concerned is to contain the proliferation of the activity. The amended rule partially promotes that policy by making liquor inaccessible on the Highways except those areas which fall within the Municipal areas. The policy as such cannot be found fault with. When prohibition itself cannot be introduced for various reasons, the only other alternative for the State is to contain or regulate the trade thereto. If the proclivity to drink is contained, at any rate in certain areas, the tendency thereto is reduced to some extent. May be the manner in which the reasons are set forth in the statement of objections may not be very articulate. But the effect of the rule is to that effect. If this is the objective, we cannot say the action on the part of the State or the policy thereto is either arbitrary or unreasonable. If there is a shop within the Municipal limits and if such shop is allowed to sell liquor and, if only shops outside the Municipal area are sought to be eliminated, we do not find that there is any unreasonable classification for one falls within the Municipal area or the other falls outside the town. Therefore, classification cannot be stated to be bad, for it is based on discernible grounds. Highway specified in the Schedule means except such parts thereof as are situated within any

of 20,000 or more, the control or management of which is entrusted to Corporation or a Municipal Council or a Town Area Council, a Town Committee or any other authority. The definition of the areas falling within the Municipal area and outside is recognised in the National Highways Act also. Similar is the position even in regard to nationalisation of routes arising under the Motor Vehicles Act, wherein the operation of any transport vehicle on a route is nationalised, exception is made to the areas falling within the Municipality or a local authority. In that way, it is accepted in all enactments the difference between the areas falling within the Municipal area or outside the Municipal area, even though the route or road is a Highway. Therefore, the difference noticed by the Department is not irrational. — *Karnataka Wine Merchants' Association (R), Bangalore and Others v State of Karnataka and Others,* **1994(2) Kar. L.J. 570 (DB).**

Rule 5(1) — Bar — Renewal of licence in Form CL-9 to run — Denial of renewal on ground that bar is situated within 20 metres from city central library — Order of rejection of application on ground which is not one enumerated in Rule, is not sustainable — Library does not come within definition of "Office" either of State or of Central Government.

G.C. Bharuka, J., Held: Under the rules, location of a public library within the distance enumerated therein cannot be a ground for not granting the licence. Such libraries cannot even be construed by any stretch of imagination to be an office either of the Central Government or State Government. . . . Even according to the definition, central library cannot be deemed to be the 'Office' either of the State Government or the Central Government. . . . . In the said view of the matter, the impugned order cannot be sustained as it is founded on a ground which is not envisaged under the provisions of the Act and the Rules. – *Smt. A.V. Nirmala v State of Karnataka and Others,* **2000(1) Kar. L.J. Sh. N. 21.**

Rule 5(1) — Karnataka Excise (Sale of Indian and Foreign Liquors) Rules, 1968 — As amended by Karnataka Excise (Sale of Indian and Foreign Liquors) (Second Amendment) Rules, 2000, Rule 5-A — Bar licence — Renewal of — Rejection of application for renewal on ground that school is likely to be opened in future within distance of 100 metres from premises licensed to run bar — Rejection of application on such ground is to be held bad in law — Licence has to be renewed if condition regarding location of licensed premises is satisfied on date of renewal.

It is not in dispute the applications filed by the petitioners have to be considered by the authorities based on the location of the premises as on the date of considering renewal or granting licence afresh. Just because a person is going to construct a school building or a school will be inaugurated in the near future that cannot be a ground for the authorities to reject in anticipation of opening of a school. Either the Excise Act or the Rules do not provide for rejection of the renewal application on the ground that in the near future school will be opened. In the instant case, the authorities have held that th

...it would be difficult in the future to grant any licence in favour of ...y person. A rival businessman may object on the ground that either a ...hool or a temple will be established within the prohibited distance from the ...op in question by applying the above principle all such applications have ...be rejected. Under the circumstances, the reasonings given by the ...thorities to reject the renewal of the petitioners are also bad in law. There...re, in anticipation that a school building will be opened in the future cannot ...a ground for the authorities to reject the renewal applications of the ...titioners. — *S.N. Chinappa v State of Karnataka and Others*, **2001(5) Kar. L.J. 4.**

Rule 5(1) and 5(2) — Licence to vend liquor — Prohibition against ...ating liquor shop within 100 mts. of any religious, educational institution ...hospital — Which is 'an objectionable place' — Public nuisance and ...intenance of public law — Impugned order of Deputy Commissioner of ...cise to petitioner to another location — Legality of — Held, contention, a ...axation was given by authorities earlier at the time of renewal of licence — ...newal of licence is a matter of right — Not sustainable — Relaxations ...en did not also give any reasons — Further, three hospitals are located ...thin the vicinity of 100 mtrs. from the liquor shop — They have raised ...nplaints against it — Further irrespective of alternative remedy under ...tion 61 of the Karnataka Excise Act, 1965 — On merits, no fault found in ...pugned order — Petition dismissed. - - *S. Gopal v The Commissioner of ...cise in Karnataka, Bengaluru and Another*, **2016(4) Kar. L.J. 647A.**

Rule 5(1) and 5(3) — Constitution of India, Articles 47 and 226 — Grant of ...uor licence — Conditions for — Information given by applicant for licence ...st undergo and satisfy "strict scrutiny" test — State Government should ...treat its right to part with its privilege of vending liquors only as means of ...ning more and more revenue — Fulfillment of constitutional obligation is ...re important than earning revenue.

S.R. Bannurmath and Subhash B. Adi, JJ., Held: The authority has not at all ...en the measurement in compliance with Rule 5 of the Rules. The Revenue ...pector has utterly failed to discharge his function in terms of Rule 5. In a ...ual way, he draws a mahazar by making alleged enquiry. He does not ...e the actual measurement, he accepts the sketch given by the applicant. He ...s not make verification of the measurement in pursuance of the sketch ...mitted by the applicant. The Excise Inspector or the authority, which is ...uired to verify the spot cannot mechanically submit a report. He owes a ...y to take exact measurement from the center point where the shop is ...ght to be established to find out as to whether there are any objectionable ...itutions within the radius of 100 metres from the said point. From the ...ords it appears that, with an intention to grant licence or permission, the ...ort is submitted...... The Court direct the respondent 1 to take necessary ...on against respondents 2 and 3 for dereliction of their duties in granting ...mission to respondent 4 in utter violation of Rule 5 of the Rules. The Court ...ct the State to take steps to implement Rule 5 in its true spirit. — *Prof. G. ...nesh and Others v State of Karnataka And Others*, **2009(1) Kar. L.J. 287B ...).**

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Rule 5(1) and 5(3) — Constitution of India, Articles 47 and 226 — Interpretation of statutes — Rule prohibiting location of liquor shops within distance of 100 metres from educational or religious institutions, hospitals, offices of Government, residential locality, *etc.* — Object of — Object is to make liquor inaccessible to people in area — Rule providing for determination of prohibited distance by taking measurement along "neares... path by which pedestrian ordinarily reaches" must be interpreted in furtherance of object of Rule, and not with object to find excuse to grant licence to earn revenue, but to find way to impose restriction within framework of rule.

S.R. Bannurmath and Subhash B. Adi, JJ., Held: 'Ordinarily' means regular, usual, normal, common, often recurring, according to established order, settled, customary and reasonable. Thus, the meaning of 'ordinarily' cannot be extended to mean only the designated road or pathway and not access otherwise available to the consumer of liquor shop. If the object is to restrict the consumer within 100 metres of the educational institution and to make it inaccessible in certain areas, the rule has to be interpreted in furtherance of the said object. Rule 5 is framed in furtherance with the object under Article 47 of the Constitution of India; it cannot be said that the measurement has to be taken along with footpath then to a zebra cross designated for crossing and again to footpath and shop. If otherwise there is a way to reach the liquor shop and it is accessible to the consumer, it cannot be ignored that such a way is available for consumer, who can ordinarily reach. It is unacceptable that the consumer of liquor will have to go to liquor shop according to traffic signal. — *Prof. G. Shainesh and Others v State of Karnataka And Others*, **2009(1) Kar. L.J. 287B (DB).**

Rule 5(1) and 5(3) — Karnataka Traffic Control Act, 1960, Section 14(2)(r) — Karnataka Traffic Control Rules, 1979, Rule 6 — Karnataka Traffic Control (Regulation of Traffic on Highways) Rules, 1979, Rule 5(4) and 5(6) — Karnataka Police Act, 1963, Section 69(a) — Constitution of India, Article 226 — Location of liquor shops — Restriction regarding — Rule prohibiting liquor shops within distance of 100 metres from educational or religious institutions, hospitals, *etc.* — Distance prohibited to be determined by taking measurement along "nearest path by which pedestrian ordinarily reaches", and not zig-zag path in conformity with Traffic Rules which requires pedestrian to walk on footpath and cross road only at point thereon at which pedestrian crossing is provided — Where offending liquor shop is within radius of 50 metres from educational institution from which it can be reached by pedestrian by just crossing road through opening in its median without requiring to walk down footpath till pedestrian crossing, and distance required to be walked to reach liquor shop from educational institution is just 84 metres as per report of Commissioner appointed by Court, liquor shop, held, is directly hit by prohibition and its location cannot be justified on ground that distance along zig-zag path is more than 100 metres — *Mandamus* lies to authority concerned to shift liquor shop beyond radius of 100 metres from central point of educational institution.

S.R. Bannurmath and Subhash B. Adi, JJ., Held: Rule 5, sub-rule (1) mandates that, no licence shall be granted for sale of liquor within a distance of 100 metres from religious, educational, hospitals, office of the State or Central Government or local authorities or residential locality where the inhabitants are predominantly belonging to Scheduled Castes or Scheduled Tribes. In order to ascertain the distance, sub-rule (3) specifies that the distance shall be measured along the nearest path by which the pedestrian ordinarily reaches. . . . . . The argument that, measurement has to be taken along with the footpath till it reaches the zebra crossing and from there again the measurement is to be taken to the other side of the footpath and to reach the shop is not acceptable. The object behind the provisions of Rule 5 is to restrict the liquor shop in certain areas. The object of the Rule is not to find an excuse to grant licence, but to find a way how best the restriction can be imposed within the framework of Rule 5 of the Rules. . . . . . Even the authorities have understood that the measurement is by means of radius from the center point of the shop and not the zigzag measurement along with footpath, zebra crossing *etc.* In this case, just across the gate of the IIMB, there is an opening of median and on the other side, there is a wine shop and if straight measurement is taken, it is less than 50 metres, if the measurement is taken as available pathway *i.e.*, at the opening, it is 84 metres. . . . If the radius is the criteria, then irrespective as to the existing road or otherwise, the prohibition or restriction should be imposed in opening of liquor shop within the radius of 100 metres from the center point of the educational institution or religious institution, hospitals or State or Central Government offices, *etc.*, as contemplated under Rule 5 of the Rules. . . . . It is clear that, the authority empowered to grant licence or permission have not discharged their function in true spirit of the Rule 5 of the Rules. The mandate of the Rule 5 is not observed in its true spirit and in a very casual way the permission is granted. It is also noticed that the licences to liquor shops are given in utter disregard to the intention of Article 47 of the Constitution and restriction imposed under the Rules. The licences are granted by circumventing the rules to the advantage of the shop owner. By this means, the State instead of protecting the interest of public in the matter of public health, security impact on the society has allowed liquor vending as if it is fundamental right to vend liquor. The time has come for the State to take serious look in implementing the law relating to vending of intoxicating drink and drugs to make a safe and healthy society. — *Prof. G. Shainesh and Others v State of Karnataka And Others*, **2009(1) Kar. L.J. 287A (DB).**

Rule 5(4) — Licensed premises — Order to shift — Giving of opportunity to licensee of being heard is necessary before directing him to shift his premises.

The respondents have not provided reasonable opportunity to the petitioners as required under sub- rule (4) of Rule 5 of the Karnataka Excise Licence (General Conditions) Rules, 1967. So, under these circumstances, before calling upon the petitioners to shift their business premises to any other premises, the respondents have to give an opportunity for the

such an order. Under these circumstances, the matter has to be reconsidered by the licensing authority after affording an opportunity to the petitioners and till such time the respondents shall have no right to interfere with the business of the petitioners as the respondents have collected licence fee for the whole of the year. — *S.N. Chinappa v State of Karnataka and Others*, **2001(5) Kar. L.J. 234.**

Rule 5(4) — Petitioner is holder of CL-2 licence — To run a Wine Store — Respondent 3-Chief Officer raised objection — Store is close to a mosque — Held, impugned communication at Annexure-K is stayed as no notice was issued to petitioner, accordingly petitioner shall appear before respondent 2-the Deputy Commissioner of Excise.

Ajit J. Gunjal, J., Held: The petitioner was issued with a CL-2 licence to run a Wine Store. Suffice it to say objections were raised by respondent 3 on the ground that the said wine store is close to a Mosque Aggrieved by the same the petitioner is before this Court. The only grievance of the petitioner is that there is a non-compliance of Rule 5(4) of the Karnataka Excise Licences (General Conditions) Rules, 1967. . . . . . Indeed, a perusal of Annexure-K discloses that such an exercise has not been done inasmuch as before passing the impugned communication at Annexure-K no notice was issued and the petitioner was not heard. Till the entire proceedings are concluded Annexure-K shall not be given effect to. — *Popular Wines, Kushalanagar, Madikeri Taluk v The Excise Commissioner in Karnataka, Bangalore and Others*, **2013(2) Kar. L.J. 184.**

6. Sign Boards, *etc.*—Every licensee shall affix a sign board in a conspicuous place of the shop showing the nature of the shop, number of licence and retail price in such language as may be understood by the majority of the residents in the locality.

[1][**7. Entrance and Exit.**—There shall be not more than one and the same entrance and exit for the CL-2 shop and CL-11 (C) shop.]

8. Mixture Prohibited.—The licensee shall not mix any material injurious to the health or mix anything to decrease or increase the strength of the liquor or its intoxicating power.

9. Employment of Women and Certain others prohibited.—(1) The licensee shall not employ any women [2][xxx].

(2) He shall not employ any person who has been convicted.

(3) The licensee shall not employ, in any capacity, a person who is below the age of 18 years or a person who is suffering from any contagious disease.

Annexure-4

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

ಸಂಖ್ಯೆ: ಆಇ 36 ಇಡಬ್ಲ್ಯೂಪಿ 2018

ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ಸಚಿವಾಲಯ
ವಿಧಾನ ಸೌಧ,
ಬೆಂಗಳೂರು, ದಿನಾಂಕ:06-08-2020

ಇಂದ,
ಸರ್ಕಾರದ ಅಪರ ಮುಖ್ಯ ಕಾರ್ಯದರ್ಶಿ,
ಆರ್ಥಿಕ ಇಲಾಖೆ,
ವಿಧಾನ ಸೌಧ, ಬೆಂಗಳೂರು.

ಇವರಿಗೆ,
ಅಬಕಾರಿ ಆಯುಕ್ತರು,
ಬೆಂಗಳೂರು.

ಮಾನ್ಯರೆ,

ವಿಷಯ : ಗ್ರಾಮೀಣ ಮತ್ತು ಗ್ರಾಮ ಪಂಚಾಯತಿ ವ್ಯಾಪ್ತಿಯ ರಾಷ್ಟ್ರೀಯ ಮತ್ತು ರಾಜ್ಯ ಹೆದ್ದಾರಿಗಳಲ್ಲಿರುವ ಸನ್ನದುಗಳನ್ನು ನವೀಕರಿಸುವ ಬಗ್ಗೆ.

ಉಲ್ಲೇಖ: 1)ಅಬಕಾರಿ ಆಯುಕ್ತರ ಕಛೇರಿ ಪತ್ರ ಸಂಖ್ಯೆ: ಇಸಿಇ/64/ಜ.ಐಎಂಎಲ್/2019-20 ದಿ:28-07-2020.

2)ಸರ್ಕಾರದ ಪತ್ರ ಸಂಖ್ಯೆ: ಆಇ 36 ಇಡಬ್ಲ್ಯೂಪಿ 2018 ದಿ:31-08-2018 ಮತ್ತು ದಿ:18-6-2020.

AC(ML)

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ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಉಲ್ಲೇಖಿತ (1)ರ ಪತ್ರದ ಕಡೆಗೆ ಗಮನ ಸೆಳೆಯಲಾಗಿದೆ. ಉಲ್ಲೇಖ(2)ರ ದಿನಾಂಕ:18-06-2020ರ ಪತ್ರದಲ್ಲಿನ ವಿಷಯವನ್ನು ಮರುಪರಿಶೀಲಿಸಿ, 2011ರ ಜನಗಣತಿಯನ್ವಯ 5000 ಅಥವಾ ಅದಕ್ಕಿಂತ ಹೆಚ್ಚು ಜನಸಂಖ್ಯೆಯುಳ್ಳ ಗ್ರಾಮ ಪಂಚಾಯತಿ/ಸ್ಥಳೀಯ ಪ್ರದೇಶಗಳ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಹಾದು ಹೋಗುವ ರಾಷ್ಟ್ರೀಯ ಮತ್ತು ರಾಜ್ಯ ಹೆದ್ದಾರಿಗಳ ಇಕ್ಕೆಲಗಳಲ್ಲಿ ಹೊಸದಾಗಿ ಸಿಎಲ್-6ಎ ಮತ್ತು ಸಿಎಲ್-7 ಸನ್ನದುಗಳಿಗೆ ಮಾತ್ರ ಕರ್ನಾಟಕ ಅಬಕಾರಿ (ಸನ್ನದುಗಳ ಸಾಮಾನ್ಯ ಷರತ್ತುಗಳು) ನಿಯಮಗಳು, 1967ರ ನಿಯಮ (5)ರಡಿಯಲ್ಲಿ ರಾಜ್ಯ ಮತ್ತು ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ವಿಧಿಸಿರುವ ನಿಬಂಧನೆಗಳನ್ನು ಹೊರತುಪಡಿಸಿ, ಇತರೆ ಷರತ್ತುಗಳನ್ನು ಪಾಲಿಸುವ ಷರತ್ತಿಗೊಳಪಟ್ಟು ನಿಯಮಾನುಸಾರ ಪ್ರಾರಂಭಿಸಲು ಸರ್ಕಾರದ ಅನುಮತಿ ನೀಡಲಾಗಿದೆ ಎಂದು ತಮಗೆ ತಿಳಿಸಲು ನಿರ್ದೇಶಿತಳಾಗಿದ್ದೇನೆ.

ತಮ್ಮ ನಂಬುಗೆಯ,

6/8/2020

(ಮಂಜುಳಾ ನಟರಾಜ್)
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ
ಆರ್ಥಿಕ ಇಲಾಖೆ (ಅಬಕಾರಿ)

Annexure-5

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

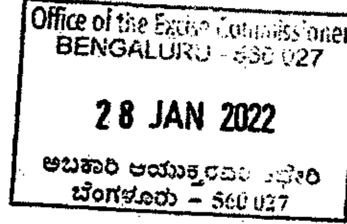
ಸಂಖ್ಯೆ: ಆಇ 33 ಇಎಫ್‌ಎಲ್ 2021

ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ಸಚಿವಾಲಯ
ವಿಧಾನ ಸೌಧ
ಬೆಂಗಳೂರು. ದಿನಾಂಕ:19.01.2022

ಇಂದ:
ಸರ್ಕಾರದ ಅಪರ ಮುಖ್ಯ ಕಾರ್ಯದರ್ಶಿ,
ಆರ್ಥಿಕ ಇಲಾಖೆ,
ವಿಧಾನ ಸೌಧ.

28/1/22

ಇವರಿಗೆ:
ಆಯುಕ್ತರು,
ಅಬಕಾರಿ ಇಲಾಖೆ,
ಶಾಂತಿನಗರ, ಬೆಂಗಳೂರು.



ಮಾನ್ಯರೆ,

ವಿಷಯ: ಜಂಗಲ್ ಲಾಡ್ಜಸ್ ಅಂಡ್ ರೆಸಾರ್ಟ್ಸ್, ಮೇಲುಕಾಮನಹಳ್ಳಿ, ಹಂಗಳ ಹೋಬಳಿ, ಗುಂಡ್ಲಪೇಟೆ ತಾಲ್ಲೂಕು ಇವರ ಬಂಡೀಪುರ ಸಫಾರಿ ಲಾಡ್ಜ್‌ಗೆ ನೀಡಿರುವ ಸಿಎಲ್-7ಎ (in the form of CL-14) ಸನ್ನದನ್ನು ಪುನರ್ ಆರಂಭಿಸಲು ವಿನಾಯಿತಿ ನೀಡಲು ಕೋರಿರುವ ಬಗ್ಗೆ.

ಉಲ್ಲೇಖ: 1) ತಮ್ಮ ಪತ್ರ ಸಂಖ್ಯೆ: ಎಕ್ಸೈಸ್/11014/254/2021, ದಿನಾಂಕ:02.11.2021.
2) ಸರ್ಕಾರದ ಪತ್ರ ಸಂಖ್ಯೆ: ಆಇ 36 ಇಡಬ್ಲ್ಯೂಪಿ 2018, ದಿನಾಂಕ: 06.08.2020

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IC(EML)

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ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಉಲ್ಲೇಖಿತ (1) ರ ತಮ್ಮ ಪತ್ರದ ಕಡೆಗೆ ಗಮನ ಸೆಳೆಯಲಾಗಿದೆ. ಉಲ್ಲೇಖಿತ (2)ರ ದಿನಾಂಕ:06.08.2020ರ ಪತ್ರದಲ್ಲಿ 2011ರ ಜನಗಣತಿಯನ್ವಯ 5000 ಅಥವಾ ಅದಕ್ಕಿಂತ ಹೆಚ್ಚು ಜನಸಂಖ್ಯೆಯುಳ್ಳ ಗ್ರಾಮ ಪಂಚಾಯತಿ / ಸ್ಥಳೀಯ ಪ್ರದೇಶಗಳ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಹಾದು ಹೋಗುವ ರಾಷ್ಟ್ರೀಯ ಮತ್ತು ರಾಜ್ಯ ಹೆದ್ದಾರಿಗಳ ಇಕ್ಕೆಲಗಳಲ್ಲಿ ಹೊಸದಾಗಿ ಸಿಎಲ್-6ಎ ಮತ್ತು ಸಿಎಲ್-7 ಸನ್ನದುಗಳಿಗೆ ಮಾತ್ರ ಕರ್ನಾಟಕ ಅಬಕಾರಿ (ಸನ್ನದುಗಳ ಸಾಮಾನ್ಯ ಷರತ್ತುಗಳು) ನಿಯಮಗಳು, 1967ರ ನಿಯಮ (5)ರಡಿಯಲ್ಲಿ ರಾಜ್ಯ ಮತ್ತು ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ವಿಧಿಸಿರುವ ನಿಬಂಧನೆಗಳನ್ನು ಹೊರತುಪಡಿಸಿ, ಇತರೆ ಷರತ್ತುಗಳನ್ನು ಪಾಲಿಸುವ ಷರತ್ತಿಗೊಳಪಟ್ಟು ನಿಯಮಾನುಸಾರ ಪ್ರಾರಂಭಿಸಲು ನೀಡಿರುವ ವಿನಾಯಿತಿಯನ್ನು ಸರ್ಕಾರದ ರಾಜಸ್ವ ಹಿತದೃಷ್ಟಿಯಿಂದ ಮತ್ತು ಪ್ರವಾಸೋದ್ಯಮದ ಅಭಿವೃದ್ಧಿಗಾಗಿ ಹೊಸದಾಗಿ ಮಂಜೂರು ಮಾಡುವ ಸಿಎಲ್-7(ಎ) (in the form of CL-14) ಸನ್ನದುಗಳಿಗೂ ವಿಸ್ತರಿಸಲು ಸರ್ಕಾರದ ಅನುಮತಿ ನೀಡಲಾಗಿದೆ ಎಂದು ತಮಗೆ ತಿಳಿಸಲು ನಿರ್ದೇಶಿತಳಾಗಿದ್ದೇನೆ.

ತಮ್ಮ ವಿಶ್ವಾಸಿ,
19/01/2022
(ಮಂಜುಳಾ ನಟರಾಜ್)
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ
ಆರ್ಥಿಕ ಇಲಾಖೆ (ಅಬಕಾರಿ)

PS-110
25/1